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No. 40 ] NEW DELHI, SEPTEMBER 26—OCTOBER 2, 2004, SATURDAY/ASVINA 4—ASVINA 10, 1926

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

वित्त मंत्रालय  
(आर्थिक कार्य विभाग)  
(बैंकिंग प्रभाग)

नई दिल्ली, 16 सितम्बर, 2004

के निदेशक मंडल में अधिकारी कर्मचारी निदेशक के रूप में नामित करती है बशर्ते कि वे लगातार छः वर्ष से अधिक की अवधि के लिए पद धारण नहीं करेंगे।

[फा. सं. 9/11/2001-बी.ओ.आई.]

रमेश चन्द, अवर सचिव

MINISTRY OF FINANCE  
(Department of Economic Affairs)  
(BANKING DIVISION)

New Delhi, the 16th September, 2004

का.आ. 2409.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1980 के खंड 9 के उपखंड (1) और (2) (क) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा (3) के खंड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा अखिल भारतीय विजया बैंक अधिकारी संघ के उप महासचिव और वर्तमान में थाने शाखा, मुम्बई में वरिष्ठ शाखा प्रबंधक के रूप में तैनात श्री ए. पद्मानाभा शेट्टी को अधिसूचना जारी होने की तारीख से तीन वर्ष की अवधि के लिए और उसके पश्चात् जब तक उनका उत्तराधिकारी नियुक्त नहीं हो जाता, अथवा उनके विजया बैंक के अधिकारी नहीं रहने पर, इनमें से जो भी पहले हो, विजया बैंक

S.O. 2409.— In exercise of the powers conferred by clause (f) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with sub-clause (1) and (2)(a) of clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby

nominates Shri A. Padmanabha Shetty, Deputy General Secretary, All India Vijaya Bank Officers' Association (Regd.) and presently posted as Senior Branch Manager, Thane Branch, Mumbai as Officer Employee Director on the Board of Vijaya Bank for a period of three years from the date of notification and thereafter until his successor has been nominated or until he ceases to be an officer of the Vijaya Bank, whichever is earlier, provided that he shall not hold office continuously for a period exceeding six years.

[F. No. 9/11/2001-B.O.I.]

RAMESH CHAND, Under Secy.

नई दिल्ली, 20 सितम्बर, 2004

का.आ. 2410. — भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 8 की उपधारा (4) के साथ पठित उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा भारतीय रिजर्व बैंक में कार्यपालक निदेशक, श्रीमती श्यामला गोपीनाथ (जन्मतिथि—20-06-1949) को उनके कार्यभार संभालने की तारीख से पांच वर्ष की अवधि के लिए या 62 वर्ष की आयु पूरी होने तक, जो भी पहले हो, भारतीय रिजर्व बैंक के उप-गवर्नर के रूप में नामित करती है।

[फा. सं. 7/3/2003-बी.ओ.आई. (i)]

अमिताभ वर्मा, संयुक्त सचिव

New Delhi, the 20th September, 2004

S.O. 2410. — In exercise of the powers conferred by clause (a) of Sub-section (1) read with Sub-section (4) of Section 8 of the Reserve Bank of India Act, 1934, the Central Government, hereby appoint Smt. Shyamala Gopinath (Date of Birth—20-06-1949) Executive Director, Reserve Bank of India as Deputy Governor, Reserve Bank of India for a period of five years from the date of her taking charge or till she attains the age of 62 years whichever is earlier.

[F. No. 7/3/2003-B.O.I.(i)]

AMITABH VERMA, Jt. Secy.

नई दिल्ली, 20 सितम्बर, 2004

का.आ. 2411. — भारतीय रिजर्व बैंक अधिनियम, 1934 की धारा 8 की उपधारा (4) के साथ पठित उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा यूनिन बैंक ऑफ इंडिया में अध्यक्ष और प्रबंध निदेशक, श्री बी. लीलाधर को उनके कार्यभार संभालने की तारीख से 62 वर्ष की आयु तक, भारतीय रिजर्व बैंक के उप-गवर्नर के रूप में नामित करती है।

[फा. सं. 7/3/2003-बी.ओ.आई. (ii)]

अमिताभ वर्मा, संयुक्त सचिव

New Delhi, the 20th September, 2004

S.O. 2411. — In exercise of the powers conferred by clause (a) of Sub-section (1) read with Sub-section (4) of Section 8 of the Reserve Bank of India Act, 1934, the Central Government, hereby appoint Shri V. Leeladhar, Chairman and Managing Director, Union Bank of India as Deputy Governor, Reserve Bank of India for a period from the date of his taking charge and upto the age of 62 years.

[F. No. 7/3/2003-B.O.I. (ii)]

AMITABH VERMA, Jt. Secy.

( राजस्व विभाग )

( केन्द्रीय प्रत्यक्ष कर बोर्ड )

नई दिल्ली, 17 अगस्त, 2004

का.आ. 2412. — सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 2ड के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के प्रयोजनार्थ कर निर्धारण वर्ष 2003-04 से नीचे पैरा (3) में उल्लिखित उद्यम/उपक्रम के अनुमोदन को नवीकृत करती है।

2. यह अनुमोदन इस शर्त के अधीन है कि :—

(i) उद्यम/उपक्रम आयकर नियमावली, 1962 के नियम 2ड के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-छ) के उपबंधों के अनुरूप होगा और उनका अनुपालन करेगा;

(ii) केन्द्र सरकार यह अनुमोदन वापिस ले लेगी यदि उद्यम/उपक्रम :—

(क) आयकर नियमावली, 1962 के नियम 2ड के स्पष्टीकरण (ख) में यथा परिभाषित पात्र कारोबार को जारी रख न बंद कर देता है; अथवा

(ख) खाता बहियों का रख-रखाव नहीं करता है तथा आयकर नियमावली, 1962 के नियम 2ड के उप नियम (6) द्वारा यथा अपेक्षित किसी लेखाकार द्वारा ऐसे खातों की लेखा परीक्षा नहीं कराता है; अथवा

(ग) आयकर नियमावली, 1962 के नियम 2ड के उप नियम (6) द्वारा यथा अपेक्षित लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करता है।

(iii) आयकर अधिनियम, 1961 की धारा 80 झक (4) (iv) (क) के उपबंधों के अनुसार, उद्यम/उपक्रम 31 मार्च, 2006 को अथवा इससे पूर्व नीचे पैरा (3) में उल्लिखित परियोजना से बिजली उत्पन्न करना आरंभ करता है जिसके न होने पर अनुमोदन वापस ले लिया जाएगा।

## 3. अनुमोदित उद्यम/उपक्रम है :—

मैसर्स रिलायंस पातालगंगा पावर लिमिटेड, श्रीराम मिल्स परिसर, तृतीय तल, गनपतराव कदम मार्ग, वर्ली, मुम्बई-420013 को पातालगंगा, जिला रायगढ़ महाराष्ट्र स्थित 447 मेगावाट कंवेन्शनल कंबाईड साइकिल विद्युत संयंत्र की परियोजना हेतु। (फा. सं. 205/172/99-आई.टी.ए-II, (खंड-I)।

[ अधिसूचना सं. 215/2004/फा. सं. 205/172/99-आयकर नि.-II (खंड-I) ]

निधि सिंह, अवर सचिव

(Department of Revenue)

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 17th August, 2004

**S.O. 2412.**— It is notified for general information that the approval to enterprise/undertaking, listed at para (3) below has been renewed by the Central Government for the purpose of section 10(23G) of the Income-tax Act, 1961, read with Rule 2E of the Income-tax Rules, 1962 with effect from the Asstt. Year 2003-04.

## 2. The approval is subject to the conditions that—

- (i) the enterprise/undertaking will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with Rule 2E of the Income-tax Rules, 1962;
- (ii) the Central Government shall withdraw this approval if the enterprise/undertaking :—
  - (a) ceases to carry on the eligible business as defined in Explanation (b) to Rule 2E of I.T. Rules, 1962; or
  - (b) fails to maintain book of account and get such accounts audited by an accountant as required by sub-rule (6) of Rule 2E of the Income-tax Rules, 1962; or
  - (c) fails to furnish the audit report as required by sub-rule (6) of Rule 2E of the Income-tax Rules, 1962.
- (iii) the enterprise/undertaking starts generating power from the project mentioned in para (3) below on or before 31st day of March, 2006 as per provisions of Section 80 IA(4)(iv)(a) of the Income-tax Act, 1961 failing which the approval shall be withdrawn.

## 3. The enterprise/undertaking approved is :—

M/s. Reliance Patalganga Power Limited, Shree Ram Mills Premises, 3rd Floor, Ganpatrao Kadam Marg, Worli,

Mumbai-420013 for their project of 447 MW Conventional Combined Cycle Power Plant at Patalganga, Distt. Raigad, Maharashtra. (F. No. 205/172/99/ITA-II) (Vol. I).

[Notification No. 215/2004/F. No. 205/172/99/ITA-II (Vol. I)]

NIDHI SINGH, Under Secy.

नई दिल्ली, 13 सितम्बर, 2004

आयकर

**का.आ. 2413.**— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दी इन्स्टीट्यूट ऑफ कम्पनी सेक्रेटरीज ऑफ इंडिया, नई दिल्ली" को वर्ष 2004-2005 से 2006-2007 के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[ अधिसूचना सं. 242/2004/फा. सं. 197/110/2004-आयकर नि.-I ]

देवी शरण सिंह, अवर सचिव

New Delhi, the 13th September, 2004

(INCOME-TAX)

**S.O. 2413.**— In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby

notifies the "The Institute of Company Secretaries of India, New Delhi" for the purpose of the said sub-clause for the assessment year 2004-2005 to 2006-2007 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 242/2004/F. No. 197/110/2004-ITA-I]

DEVI SHARAN SINGH, Under Secy.

नई दिल्ली, 13 सितम्बर, 2004

( आयकर )

**का.आ. 2414.**—आयकर अधिनियम, 1961 (1961 का 43) को धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "गान्धी स्मारक संग्रहालय समिति, नई दिल्ली" को वर्ष 2002-2003 से 2004-2005 के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी

निधि (जवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 243/2004/फ. सं. 197/100/2004-आयकर नि.-I]

देवी शरण सिंह, अवर सचिव

New Delhi, the 13th September, 2004

(INCOME-TAX)

**S.O. 2414.**— In exercise of powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Gandhi Smarak Sangharalya Smiti New Delhi" for the purpose of the said sub-clause for the assessment year 2002-2003 to 2004-2005 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;



- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 243/2004/F. No. 197/100/2004-ITA-I]

DEVI SHARAN SINGH, Under Secy.

नई दिल्ली, 17 सितम्बर, 2004

( आयकर )

का.आ. 2415.—आयकर अधिनियम, 1961 ( 1961 का 43 ) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा “इंडियन म्यूजियम, कोलकाता” को वर्ष 2003-2004 से 2005-2006 के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगा;
- (v) विघटन की स्थिति में इसकी अतिरिक्त राशियां और परिसम्पत्तियां समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[ अधिसूचना सं. 244/2004/फ. सं. 197/106/2004-आयकर नि.-I ]

देवी शरण सिंह, अवर सचिव

New Delhi, the 17th September, 2004

(INCOME TAX)

S.O. 2415.—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Indian Museum, Kolkata” for the purpose of the said sub-clause for the assessment year 2003-2004 to 2005-2006 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business;
- (iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 244/2004/F. No. 197/106/2004-ITA-I]

DEVI SHARAN SINGH, Under Secy.

नई दिल्ली, 24 सितम्बर, 2004

( आयकर )

का.आ. 2416.—आयकर अधिनियम, 1961 ( 1961 का 43 ) की धारा 10 के खंड (23-ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा “श्री गणपति सचिदानंद अवधूत दत्त पीठ ट्रस्ट, मैसूर” को वर्ष 2005-2006 से 2007-2008 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती अपनी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिती उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

(iv) कर-निर्धारिती आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगा;

(v) विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

[अधिसूचना सं. 246/2004/फ. सं. 197/114/2004-आयकर-नि.-I]

देवी शरण सिंह, अवर सचिव

New Delhi, the 24th September, 2004

#### (INCOME TAX)

**S.O. 2416.**—In exercise of powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the “Sri Ganapathi Sachidananda Avdhootha Datta Trust, Maysore” for the purpose of the said sub-clause for the assessment year 2005-2006 to 2007-2008 subject to the following conditions, namely:—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of account are maintained in respect of such business;

(iv) the assessee will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;

(v) that in the event of dissolution, its surplus and the assets will be given to a charitable organisation with similar objectives.

[Notification No. 246/2004/F. No. 197/114/2004-ITA-I]

DEVI SHARAN SINGH, Under Secy.

आदेश

नई दिल्ली, 20 सितम्बर, 2004

स्टाम्प

**का.आ. 2417.**—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (i) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा यूको बैंक, कोलकाता को मात्र बानवे लाख रुपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है, जो उक्त बैंक द्वारा जारी किए जाने वाले मात्र तीन सौ करोड़ रुपए के समग्र मूल्य के प्रामिसरी नोट के स्वरूप वाले असुरक्षित विमोच्य गौण निजी रूप से रखे गए बंधपत्रों (श्रृंखला IV) पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं. 22/2004-स्टाम्प/एफ. सं. 33/29/2004-बि.क.]

आर. जी. छाबड़ा, अवर सचिव

#### ORDER

New Delhi, the 20th September, 2004

#### STAMPS

**S.O. 2417.**—In exercise of powers conferred by clause (b) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits UCO Bank, Kolkata to pay consolidated stamp duty of rupees ninety two lakh only chargeable on account of the stamp duty on Unsecured Redeemable Subordinated Privately Placed Bonds (Series-IV) in the nature of Promissory Notes aggregating to rupees three hundred crore only, to be issued by the said Bank.

[No. 22/2004-STAMP/F. No. 33/29/2004-ST]

R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 20 सितम्बर, 2004

स्टाम्प

**का.आ. 2418.**—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (i) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा इलाहाबाद बैंक, कोलकाता को मात्र बीस लाख चालीस हजार रुपए का समेकित स्टाम्प शुल्क

अदा करने की अनुमति देती है, जो उक्त बैंक द्वारा जारी किए जाने वाले मात्र दो सौ करोड़ रुपये के समग्र मूल्य के प्रामिसरी नोटों के स्वरूप के असुरक्षित विमोच्य गैर-परिवर्तनीय गौण बंधपत्रों (टियर-II शृंखला IV) पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 20/2004-स्टाम्प/एफ. सं. 33/26/2004-बि.क.]

आर. जी. छाबड़ा, अवर सचिव

### ORDER

New Delhi, the 20th September, 2004

### STAMPS

**S.O. 2418.**— In exercise of the powers conferred by clause (b) of Sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Allahabad Bank, Kolkata to pay consolidated stamp duty of rupees twenty lakh forty thousand only chargeable on account of the stamp duty on Unsecured Redeemable Non-convertible Subordinated Bonds (Tier-II, Series-IV) in the nature of Promissory Notes aggregating to rupees two hundred crore only, to be issued by the said Bank.

[No. 20/2004-STAMP/F. No. 33/26/2004-ST]

R.G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 20 सितम्बर, 2004

### स्टाम्प

**का.आ. 2419.**— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (i) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा मद्रास फर्टिलाइजर लि. चेन्नई को मात्र पैंसठ हजार रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है, जो उक्त कम्पनी द्वारा जारी किए जाने वाले मात्र एक करोड़ तीस लाख रुपये के समग्र मूल्य के प्रत्येक एक एक लाख रुपये के 1 से 130 तक की विशिष्ट संख्या वाले प्रामिसरी नोटों के स्वरूप वाले 8 प्रतिशत (कराधेय) मद्रास फर्टिलाइजर लि. बंधपत्रों पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 21/2004-स्टाम्प/एफ. सं. 33/41/2004-बि.क.]

आर. जी. छाबड़ा, अवर सचिव

### ORDER

New Delhi, the 20th September, 2004

### STAMPS

**S.O. 2419.**— In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Madras Fertilizers Limited, Chennai to pay consolidated stamp duty of rupees sixty five thousand only chargeable on account of the stamp duty on 8% (Taxable) Madras Fertilizers Limited Bonds in the nature

of Promissory Notes bearing distinctive numbers from 1 to 130 of rupees one lakh each aggregating to rupees one crore thirty lakh only, to be issued by the said Company.

[No. 21/2004-STAMP/F. No. 33/41/2004-ST]

R.G. CHHABRA, Under Secy.

(सेन्ट्रल इकोनॉमिक इंटेलिजेंस ब्यूरो)

आदेश

नई दिल्ली, 23 सितम्बर, 2004

**का.आ. 2420.**— अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फा. सं. 673/12/2004-सी.यू.एस. VIII, दिनांक 19-08-2004 को जारी किया और यह निर्देश दिया कि श्री संदीप अग्रवाल, सुपुत्र श्री जगदीश चन्द्रा अग्रवाल, निवासी-25बी, जतीन बागची रोड, कोलकाता-29 को गिरफ्तार कर लिया जाए और प्रेसीडेंसी सुधार गृह, अलीपुर, कोलकाता में अभिषेक में रखा जाए ताकि उन्हें भविष्य में 'बीजों' की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, कोलकाता के सम्मुख उपस्थित हो।

[फा. सं. 673/12/2004-सी.यू.एस.-VIII]

एन.एम. कृष्णन, उप-सचिव (कोफेपोसा)

(CENTRAL ECONOMIC INTELLIGENCE BUREAU)

### ORDER

New Delhi, the 23rd September, 2004

**S.O. 2420.**— Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued Order F. No. 673/12/2004-Cus. VIII dated 19-8-2004 under the said sub-section directing that Shri Sandip Agarwal S/o Shri Jagdish Chandra Agarwal, R/o 25B, Jatin Bagchi Road, Kolkata-29 be detained and kept in custody in the Presidency Correctional Home, Alipore, Kolkata with a view of preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Kolkata within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/12/2004-Cus.-VIII]

N. M. KRISHNAN, Dy. Secy. (COFEPOSA)

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 20 सितम्बर, 2004

का.आ. 2421.— भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन हेतु नैरोबी विश्वविद्यालय द्वारा प्रदत्त चिकित्सा अर्हता एम. बी. बी. एस; उक्त अधिनियम की धारा 14 के अधीन एक मान्यताप्राप्त चिकित्सा अर्हता है;

और, डा. मुनेने रोडा, मुटुण्डु, केन्याई नागरिक, जिनके पास उक्त अर्हता है, मेडिकल रिसर्च फाउण्डेशन, 18 कालेज रोड, चेन्नई से धर्मार्थ (चैरिटेबल) कार्य हेतु और न कि व्यक्तिगत लाभ हेतु जुड़े हैं;

अतः, अब, उक्त अधिनियम की धारा 14 की उप-धारा (1) के खण्ड (ग) के अनुसरण में, केन्द्र सरकार एतद्वारा विनिर्दिष्ट करती है कि भारत में डा. मुनेने रोडा मुटुण्डु द्वारा आयुर्विज्ञान की प्रैक्टिस करने की अवधि :—

- (क) 1-10-2004 से छह माह की अवधि; अथवा
- (ख) उस अवधि, जिसके दौरान डा. मुनेने रोडा मुटुण्डु, मेडिकल रिसर्च फाउण्डेशन, 18, कालेज रोड, चेन्नई से जुड़े हैं, इनमें से जो भी कम हो, तक सीमित रहेगी।

[सं. बी-11016/1/2004-एमई (नीति-1)]

पी. जी. कलाधरण, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 20th September, 2004

S.O. 2421.— Whereas medical qualification MBBS granted by University of Nairobi is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And whereas Dr. Munene Rhoda Mutundu, Kenyan National, who possess the said qualification is attached to Medical Research Foundation, 18, College Road, Chennai for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of sub-section (1) of the Section 14 of the said Act, the Central Government hereby specifies that the period of practice of medicine by Dr. Munene Rhoda Mutundu in India shall be limited to :—

- (a) a period of six months from 1-10-2004; or
- (b) the period during which Dr. Munene Rhoda Mutundu is attached to Medical Research Foundation, 18, College Road, Chennai, whichever is shorter.

[No. V-11016/1/2004-ME (Policy-I)]

P. G. KALADHARAN, Under Secy.

नई दिल्ली, 23 सितम्बर, 2004

का.आ. 2422.— सार्वजनिक परिसर (अप्राधिकृत दखलकार की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, सरकार की एक राजपत्रित अधिकारी, डा. (श्रीमती) आशा शर्मा को एतद्वारा उक्त अधिनियम के प्रयोजनार्थ संपदा अधिकारी के रूप में नियुक्त करती है, जो संपदा अधिकारी को उक्त अधिनियम द्वारा अथवा इसके अन्तर्गत प्रदत्त शक्तियों का प्रयोग तथा सौंपे गए कार्यों का निष्पादन नीचे विनिर्दिष्ट सार्वजनिक परिसरों के संबंध में अपने क्षेत्राधिकार की सीमित सीमाओं के भीतर करेंगी :

- (1) कालेज कैम्पस के भीतर और बाहर आर. ए. के. कालेज ऑफ नर्सिंग, से संबंधित समूचे भूखण्ड/भवन।
- (2) आर. ए. के. कालेज ऑफ नर्सिंग, नई दिल्ली के संपदा अधिकारी के निर्णयानुसार कालेज प्राधिकारी/स्टाफ के प्रयोग हेतु संपदा निदेशालय, शहरी कार्य और गरीबी उपशमन मंत्रालय, भारत सरकार द्वारा नियत सभी भूमि/भवन।

[सं. ए.-11011/5/2004-एन/पीएमएस]

ए. के. सिंह, अवर सचिव

New Delhi, the 23rd September, 2004

S.O. 2422.— In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of unauthorized Occupants) Act, 1971 (40 of 1971) the Central Government hereby appoints Dr. (Mrs.) Asha Sharma, being a Gazetted Officer of the Government to be an Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed, on the Estate Officer by or under the said Act within the local limits of her jurisdiction in respect of the public premises specified below:

- (1) All plots of Land/Building belonging to the RAK College of Nursing, New Delhi inside or outside the College Campus;

- (2) All Land/Building earmarked by the Directorate of Estates, Ministry of Urban Affairs & Poverty Alleviation, Government of India, for use of the College authority/staff as per the decision of the Estate Officer of the RAK College of Nursing, New Delhi.

[ F.No. A-11011/5/2004-N/PMS ]

A. K. SINGH, Under Secy.

**विदेश मंत्रालय**

( सी. पी. वी. प्रभाग )

नई दिल्ली, 11 सितम्बर, 2004

का.आ. 2423.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 41वां) को धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का प्रधान कौंसलावास, मेदान में श्री यू.एस. गोपाल, निजी सहायक को 11-09-2004 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है।

[ फ. सं. टी-4330/01/2004 ]

उपेन्द्र सिंह रावत, अवर सचिव (कौंसुलर)

**MINISTRY OF EXTERNAL AFFAIRS**

(C. P. V. Division)

New Delhi, the 11th September, 2004

S.O. 2423.— In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri U. S. Gopal, Personal Assistant in the Consulate General of India, Medan to perform the duties of Assistant Consular Officer with effect from 11-09-2004.

[ F.No. T-4330/01/2004 ]

U. S. RAWAT, Under Secy. (Cons.)

**संचार और सूचना प्रौद्योगिकी मंत्रालय**

( दूरसंचार विभाग )

नई दिल्ली, 20 सितम्बर, 2004

का.आ. 2424.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित-1987) के नियम 10(4) के अनुसरण में संचार और सूचना प्रौद्योगिकी मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालय को, जिनके 80 प्रतिशत से अधिक कर्मचारियों को हिंदी का कार्यसाधक

ज्ञान प्राप्त है, भारत के राजपत्र में अधिसूचित किया गया है। महानगर टेलीफोन निगम लिमिटेड, नई दिल्ली के निम्नलिखित कार्यालयों के नाम एवं स्तर में परिवर्तन आया है अतः उन्हें अब निम्नवत पढ़ा जाए :

पहले से अधिसूचित	अब
1. मुख्य महा. प्र., म.टे.नि.लि., न० दि० फा. सं. ई. 11027/ 2/88-रा.भा. दिनांक 29-8-91	अधिशासी निदेशक, म.टे.नि.लि., नई दिल्ली।
2. म. अभि. (लक्ष्मी नगर) फा. सं. ई. 11027/2/88- रा.भा. दिनांक 27-5-87	महाप्रबंधक (लक्ष्मी नगर)
3. म. अभि. (बाह्य) पूर्व शक्तिनगर	महाप्रबंधक (शक्तिनगर)
4. म. अभि. (बाह्य) पश्चिम, शक्ति नगर	दिल्ली
5. म. अभि. (अंतः) शक्ति नगर फा. सं. ई. 11027/1/85-रा. भा. दिनांक 27-5-87	
6. म. अभि. (बाह्य) पूर्व करोल बाग	महाप्रबंधक (करोल बाग)
7. म. अभि. (बाह्य) पश्चिम करोल बाग फा. सं. ई. 11027/ 1/85-रा. भा. दिनांक 27-5-87	
8. म. अभि. (बाह्य) पूर्व राजौरी गार्डन	महाप्रबंधक (पश्चिम-II)
9. म. अभि. (बाह्य) पश्चिम राजौरी गार्डन फा. सं. ई. 11027/1/85-रा. भा. दिनांक 27-5-87	

[ सं. ई.-11016/1/2004-रा.भा. ]

हरीश चन्द्र जयाल, संयुक्त सचिव

**MINISTRY OF COMMUNICATIONS AND  
INFORMATION TECHNOLOGY**

(Department of Telecommunications)

New Delhi, the 20th September, 2004

S.O. 2424.— In pursuance of rule 10(4) of the Official Language (Use for Official Purpose of the Union), Rules, 1976 (as amended, 1987) the Central Government has notified the following office under the administrative control of

Ministry of Communications and Information Technology, Department of Telecommunications whereof more than 80% staff have acquired working knowledge of Hindi. The name and status of the following offices of the MTNL has since been changed and now the same may be read as under:—

Sl. No.	Already notified as	Now notified as
1.	Chief General Manger, MTNL, New Delhi No. E. 11027/2/88-O.L. Dated 29-8-91	Executive Director, MTNL, New Delhi
2.	Divisional Engr. (Laxmi Nagar) No. E. 11027/2/88-O. L. Dated 27-5-87	General Manager (Laxmi Nagar)
3.	Divisional Engr. (Outer) East Shakti Nagar	General Manager (Shakti Nagar) Delhi
4.	Divisional Engr. (Outer) West Shakti Nagar	
5.	Divisional Engr. (Internal) Shakti Nagar No. E. 11027/1/85-O. L. Dated 27-5-87	
6.	Divisional Engr. (Outer) East Karol Bagh	General Manager (Karol Bagh)
7.	Divisional Engr. (Outer) West Karol Bagh No. E. 11027/1/85-O.L. Dated 27-5-87	
8.	Divisional Engr. (Outer) East Rajouri Garden	General Manager (West-II)
9.	Divisional Engr. (Outer) West Rajouri Garden No. E. 11027/1/85-O. L. Dated 27-5-87.	

[No. E. 11016/1/2004(O.L.)]

HARISH CHANDRA JAYAL, Jt. Secy.

नई दिल्ली, 21 सितम्बर, 2004

का.आ. 2425.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10(4) के अनुसरण में संचार और सूचना प्रौद्योगिकी मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिसमें 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है।

अधिशायी निदेशक, महानगर टेलीफोन निगम लिमिटेड, नई दिल्ली

1. मुख्य महाप्रबंधक (वायरलैस सेवा)
2. महाप्रबंधक (शाहदरा)
3. महाप्रबंधक (रोहणी)

4. महाप्रबंधक (जनकपुरी)
5. महाप्रबंधक (करोलबाग)
6. महाप्रबंधक (बीसीपी)
7. मुख्य महाप्रबंधक (विपणन)/महाप्रबंधक (विपणन)
8. महाप्रबंधक (पश्चिम—III)

[सं. ई-11016/1/2004-रा.भा.]

हरीश चन्द्र जयाल, संयुक्त सचिव

New Delhi, the 21st September, 2004

S.O. 2425.—In pursuance of rule 10(4) of the Official Language (Use for Official Purposes of the Union), Rules, 1976 (as amended-1987), the Central Government hereby notifies the following Offices under the administrative control of Ministry of Communications and Information Technology, Department of Telecommunications whereof more than 80% of staff have acquired working knowledge of Hindi.

Executive Director, MTNL, New Delhi

1. Chief General Manager (Wireless Service)
2. General Manager (Shahdara)
3. General Manager (Rohini)
4. General Manager (Janakpuri)
5. General Manager (Karol Bagh)
6. General Manager (VCP)
7. Chief General Manager (Marketing)/General Manager (Marketing)
8. General Manager (West - III)

[F. No. E-11016/1/2004-O. L.]

HARISH CHANDRA JAYAL, Jt. Secy.

नई दिल्ली, 22 सितम्बर, 2004

का.आ. 2426.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 (यथा संशोधित 1987) के नियम 10(4) के अनुसरण में संचार और सूचना प्रौद्योगिकी मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिसमें 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है।

कार्यकारी निदेशक, महानगर टेलीफोन निगम लिमिटेड, मुम्बई  
पश्चिम-III महानगर टेलीफोन निगम लिमिटेड, मुम्बई-400 062

[सं. ई-11016/1/2004-रा.भा.]

हरीश चन्द्र जयाल, संयुक्त सचिव

New Delhi, the 22nd September, 2004

S.O. 2426.—In pursuance of rule 10(4) of the Official Language (Use for official purposes of the Union), rules, 1976 (as amended-1987), the Central Government hereby notifies the following Office under the administrative control of Ministry of Communications and Information

Technology, Department of Telecommunications where of more than 80% of staff have acquired working knowledge of Hindi.

**Executive Director, Mahanagar Telephone Nigam Limited, Mumbai- 400062**

**General Manager (West-II) Mahanagar Telephone Nigam Limited, Mumbai.**

[No. E-11016/1/2004-O.L.]

**HARISH CHANDRA JAYAL, Jt. Secy.**

**मानव संसाधन विकास मंत्रालय**

**( माध्यमिक और उच्चतर शिक्षा विभाग )**

**नई दिल्ली, 6 सितम्बर, 2004**

**का.आ. 2427.**—ऑरोविले फाउंडेशन अधिनियम, 1988 (1988 का 54) की धारा 12 के साथ पठित धारा 11 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा ऑरोविले फाउंडेशन के शासी निकाय में इस अधिसूचना के जारी होने की तिथि से चार वर्ष की अवधि के लिए निम्नलिखित व्यक्तियों को मनोनीत करती है :—

- |  |                   |
|--|-------------------|
| 1. डॉ. कर्ण सिंह (संसद सदस्य, राज्य सभा)                       | <b>अध्यक्ष</b>    |
| 3. न्याय मार्ग, चाणक्यपुरी, नई दिल्ली                          |                   |
| 2. डॉ. डी. पी. चट्टोपाध्याय,                                   | <b>सदस्य</b>      |
| फ्लैट नं.-25, पार्क मैन्सन, 57, पार्क स्ट्रीट, कोलकाता-700 016 |                   |
| 3. श्री अजय बाबू,  |                   |
| सी.-103, पुर्वाशा अनन्दलोक सोसाइटी, मयूर विहार, नई दिल्ली      |                   |
| 4. डॉ. (श्रीमती) अस्तर मिरा पटेल,                              |                   |
| (ऑरोविले प्रतिष्ठान में ही रहते हैं)                           |                   |
| 5. श्री रोजर एंगर  |                   |
| (ऑरोविले प्रतिष्ठान में ही रहते हैं)                           |                   |
| 6. सुश्री मालिनी पार्थसारथी,                                   |                   |
| 859-60, अन्नासलाई-600002 चेन्नई                                |                   |
| 7. सुश्री मल्लिका साराभाई,                                     |                   |
| दर्पण एकेडमी ऑफ परफॉर्मिंग आर्ट, उस्मानपुरा, अहमदाबाद          |                   |
| 8. श्री एस. के. रे. (सं. स. और वित्त सलाहकार)                  | <b>पदेन सदस्य</b> |
| (माध्यमिक और उच्चतर शिक्षा विभाग)                              |                   |
| 9. श्री सी. बालाकृष्णन, सं. स. (आयोजना)                        | <b>—वही—</b>      |
| माध्यमिक और उच्चतर शिक्षा विभाग                                |                   |

2. इसके अतिरिक्त डॉ. करन सिंह, इस बोर्ड में अध्यक्ष के रूप में अवैतनिक कार्य करेंगे।

3. इस अधिसूचना के जारी होने के साथ ही दिनांक 31 मार्च, 2003 की समसंख्यक अधिसूचना के जरिए अधिसूचित शासी निकाय, ऑरोविले फाउंडेशन का कार्यकाल समाप्त हो जाएगा।

[सं. एफ. 27-50/2002(यू. यू.)]

सी. बालकृष्णन, संयुक्त सचिव

**MINISTRY OF HUMAN RESOURCE DEVELOPMENT**

**(Department of Secondary and Higher Education)**

New Delhi, the 6th September, 2004

**S.O. 2427.**— In exercise of the powers conferred by Section 11 read with section 12, of the Auroville Foundation Act, 1988 (54 of 1988), the Central Government hereby nominates the following persons as members of the Governing Board of the Auroville Foundation for a period of four years, with effect from the date of issue of the notification:—

- |   |                          |
|---|--------------------------|
| 1. Dr. Karan Singh (MP, Rajya Sabha)                          | <b>Chairman</b>          |
| 3. Nyaya Marg, Chanakyapuri, New Delhi                        |                          |
| 2. Dr. D. P. Chattopadhyaya                                   | <b>Members</b>           |
| Flat No. 25, Park Mansion, 57, Park Street, Kolkata. 700 016. |                          |
| 3. Shri Ajoy Bagehi   |                          |
| C-103, Purvasha Anandlok, Society, Mayur Vihar, New Delhi.    |                          |
| 4. Dr. (Smt.) Aster Mira Patel                                |                          |
| (Resident of Auroville)                                       |                          |
| 5. Mr. Roger Anger  |                          |
| (Resident of Auroville)                                       |                          |
| 6. Ms. Malini Parthasarthy                                    |                          |
| 859-60, Anna Sallai-600 002. Chennai.                         |                          |
| 7. Ms. Mallika Sarabhai                                       |                          |
| Darpana Academy of Performing Arts, Usmanpura, Ahmedabad.     |                          |
| 8. Shri S. K. Ray, (JS & FA).                                 | <b>Ex-Officio Member</b> |
| Department of Secondary & Higher Education                    |                          |
| 9. Shri C. Balakrishnan, JS (Plg.)                            | <b>Ex-Officio Member</b> |
| Department of Secondary & Higher Education                    |                          |

2. Further, Dr. Karan Singh with effect from the date of issue of this notification as the Chairman of the Board in an honorary capacity.

3. The Governing Board, Auroville Foundation notified vide the notification of even number dated the 31st March, 2003 is hereby wound up with the issue of the present notification.

[No. E-27-50/2002 (U.U.)]

C. BALAKRISHNAN, Jt. Secy.



## उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 11 अगस्त, 2004

का. आ. 2428.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एशियन स्केल्स एंड इंजीनियरिंग कॉर्पोरेशन, 27, नित्यधन मुकजी रोड, हावड़ा-711 01 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "ई डब्ल्यू टी" शृंखला के अंकक सूचन सहित अस्वचालित (प्लेटफार्म प्रकार) के तोलन उपकरण के मॉडल का, जिसके ब्रांड का नाम "ए एस ई सी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/74 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृत गैज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 कि. ग्रा. है। इसमें एक आघेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आघेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि.ग्रा. से ऊपर और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(63)/2000]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

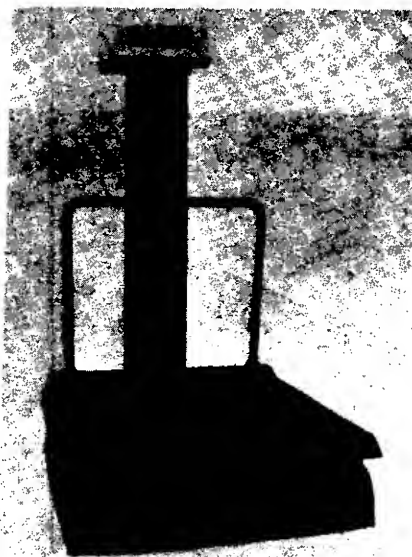
# MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 11th August, 2004

**S.O. 2428.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the non-automatic (Platform type) weighing instrument with digital indication of "EWI" series of high accuracy (Accuracy class-III) and with brand name "ASEC" (herein referred to as the said Model), manufactured by M/s. Asian Scales and Engineering Corporation, 27, Nityadhan Mukherjee Road, Howrah-711 101, West Bengal and which is assigned the approval mark IND/09/2004/74;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 1000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

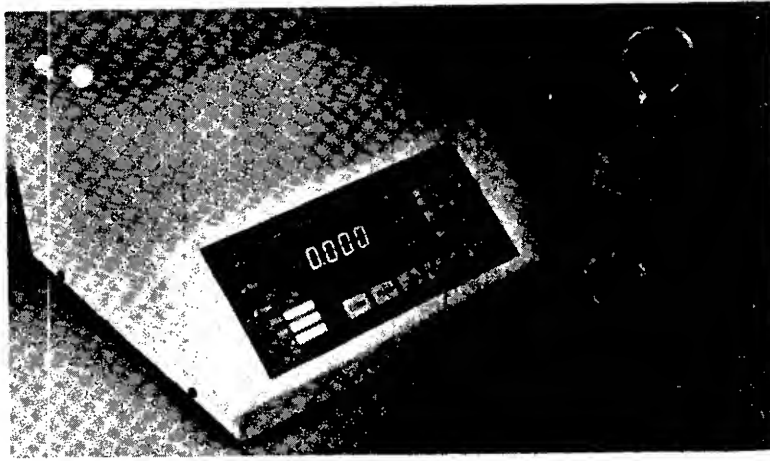
[F. No. WM-21(63)/2000]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 11 अगस्त, 2004

का. आ. 2429.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एशियन स्केल्स एंड इंजीनियरिंग कोर्पोरेशन, 27, नित्यधन मुकजी रोड, हावड़ा-711 01 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "ई डब्ल्यू आई" शृंखला के अंकक सूचन सहित अस्वचालित (वे ब्रिज का कनवर्शन किट) के तोलन उपकरण के मॉडल का, जिसके ब्रांड का नाम "ए एस ई सी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/75 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल अस्वचालित (वे ब्रिज का कनवर्शन किट) तोलन उपकरण है। इसकी अधिकतम क्षमता 30,000 कि. ग्रा. और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि. ग्रा. है। इसमें एक आघेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आघेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। लोड सेल विकृत गेज प्रकार का है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहार के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान (एन) अंतराल सहित 5 टन से ऊपर और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

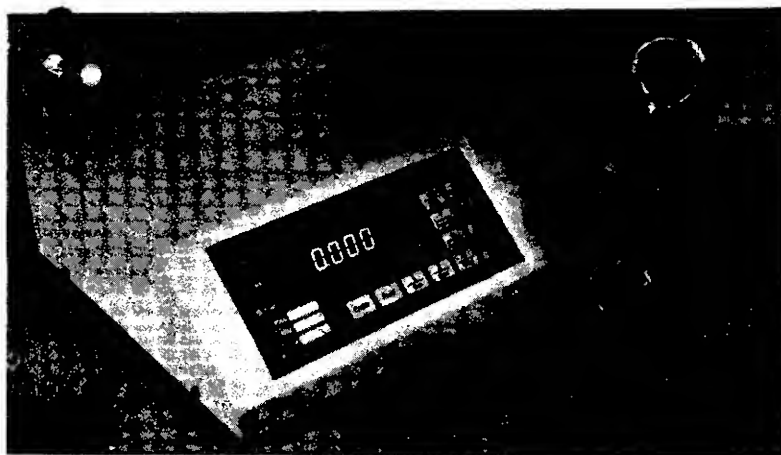
[फा.सं. डब्ल्यू एम-21(63)/2000]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th August, 2004

**S.O. 2429.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the non-automatic weighing instrument (conversion kit for weighbridge) digital indication belonging to medium accuracy (Accuracy class-III) of "EWI" series with brand name "ASEC" (herein referred to as the said model), manufactured by M/s. Asian Scales and Engineering Corporation, 27, Nityadhan Mukherjee Road, Howrah-711 101, West Bengal and which is assigned the approval mark IND/09/2004/75;



The said model is a non-automatic weighing instrument (conversion kit for weighbridge) with a maximum capacity of 30,000 kg and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply. The load cell is of strain gauge type;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg. or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

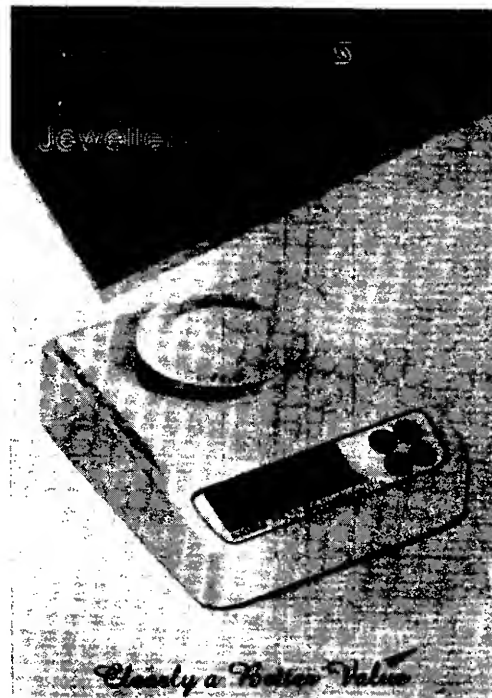
[F. No. WM-21(63)/2000]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 अगस्त, 2004

का. आ. 2430.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सिगमा स्केल इण्डस्ट्रीज, 6-3-456/5, द्वारिकापुरी कालोनी, बी/एच मोटल हाउस, पंजागुडा, हैदराबाद-500082 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एम जे टी" श्रृंखला के अंकक सूचन सहित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण के मॉडल का, जिसके ब्रांड का नाम "सिगमा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/614 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत प्रकार का गैज लोड सेल आधारित अस्वचालित (टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहार से मशीन को खोलने से रोकने के लिए भी सीलबंद किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यफलन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक के रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^{-6}$ ,  $2 \times 10^{-6}$  या  $5 \times 10^{-6}$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

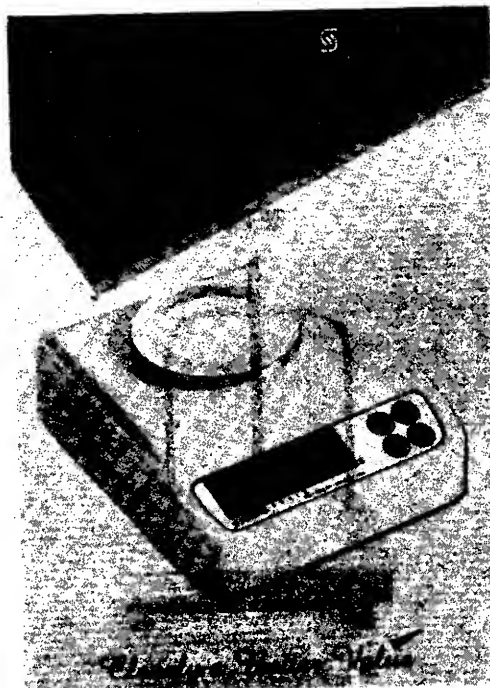
[फा. सं. डब्ल्यू एम-21(117)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th August, 2004

S.O. 2430.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Table top type) weighing instrument with digital indication of "SJT" series of high accuracy (Accuracy class-III) and with brand name "SIGMA" (herein referred to as the said model), manufactured by M/s. Sigma Scale Industries, 6-3-456/5, Dwarkapuri Colony, B/H Motel House, Punjagutta, Hyderabad-500082 and which is assigned the approval mark IND/09/2003/614;



The said model is a strain-gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg. to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

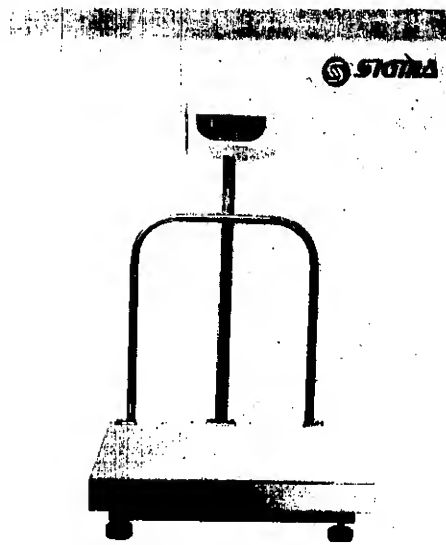
[F. No. WM-21(117)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 अगस्त, 2004

का. आ. 2431.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सिगमा स्केल इण्डस्ट्रीज, 6-3-456/5, द्वारिकापुरी कालोनी, बी/एच मोटल हाउस, पंजागुडा, हैदराबाद-500082 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एस एस पी" श्रृंखला के अंकक सूचन सहित, अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण के मॉडल का, जिसके ब्रांड का नाम "सिगमा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/617 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



*The Real Perfection*

उक्त मॉडल एक विकृत प्रकार का गैज लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आघेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आघेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम प्रदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

म्यामिंग प्रकट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबंद की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान (एन) अंतराल सहित 60 कि.ग्रा. से 2000 कि. ग्रा. तक की अधिकतम क्षमता  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$  के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(117)/2003]

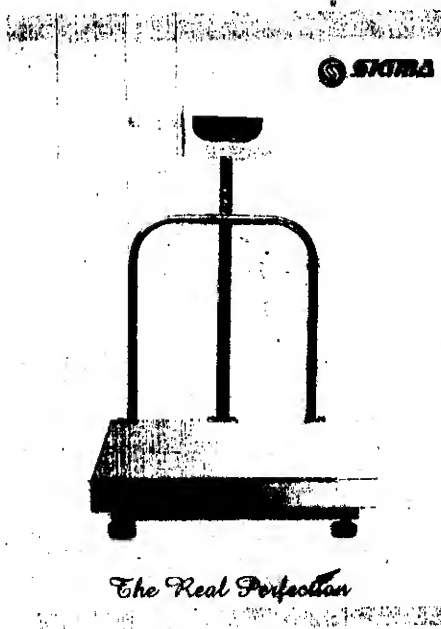
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



New Delhi, the 17th August, 2004

**S.O. 2431.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Platform type) weighing instrument with digital indication of "SSP" series of medium accuracy (Accuracy class-III) and with brand name "SIGMA" (hereinafter referred to as the said model), manufactured by M/s. Sigma Scale Industries, 6-3-456/5, Dwarkapuri Colony, B/H Motel House, Punjagutta, Hyderabad-500082 and which is assigned the approval mark IND/09/2003/617;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 60kg and up to 2000kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 5g. or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the approved model has been manufactured.

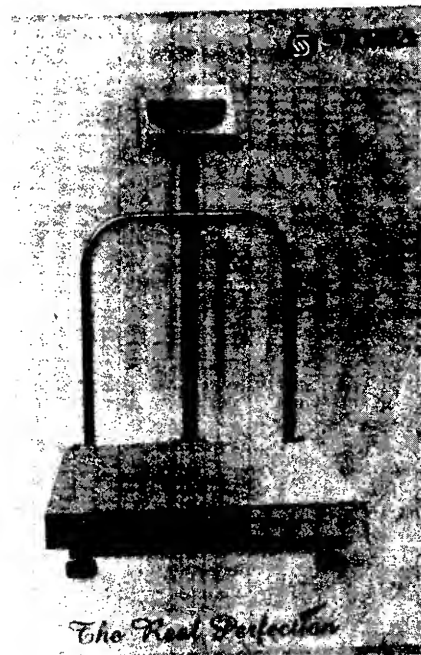
[F. No. WM-21(117)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 अगस्त, 2004

का. आ. 2432.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सिगमा स्केल इण्डस्ट्रीज, 6-3-456/5, द्वारिकापुरी कालोनी, बी/एच मोटल हाउस, पंजागुडा, हैदराबाद-500082 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एस एच पी" शृंखला के अंकक सूचन सहित, अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण के मॉडल का, जिसके ब्रांड का नाम "सिगमा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/616 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत प्रकार का गैज लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 600 कि.ग्रा. और न्यूनतम क्षमता 2.5 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबंद किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 10 ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक के रेंज में सत्यापन मापमान (एन) अंतराल सहित 60 कि.ग्रा. से 2,000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^{-6}$ ,  $2 \times 10^{-6}$  या  $5 \times 10^{-6}$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(117)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th August, 2004

S.O. 2432.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Platform type) weighing instrument with digital indication of "SHP" series of high accuracy (Accuracy class-II) and with brand name "SIGMA" (hereinafter referred to as the said model), manufactured by M/s. Sigma Scale Industries, 6-3-456/5, Dwarkapuri Colony, B/H Motel House, Punjagutta, Hyderabad-500082 and which is assigned the approval mark IND/09/2003/616;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 600 kg and minimum capacity of 2.5 kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 60kg and up to 2000kg with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 10g. or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

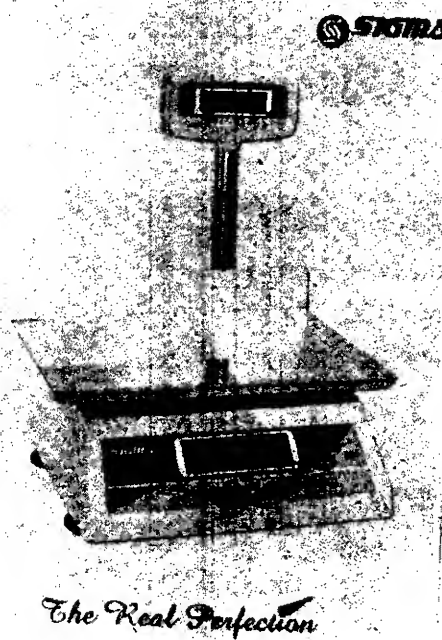
[F. No. WM-21(117)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 अगस्त, 2004

का. आ. 2433.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा इसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अंतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सिगमा स्केल इण्डस्ट्रीज, 6-3-456/5, द्वारिकापुरी कालोनी, बी/एच मोटल हाउस, पंजागुडा, हैदराबाद-500082 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एस एस टी" शृंखला के अंकक सूचन सहित, अस्वचालित (टेबलटाप प्रकार) तोलन उपकरण के मॉडल का, जिसके ब्रांड का नाम "सिगमा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2003/615 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत प्रकार का गैज लोड सेल आधारित अस्वचालित (टेबलटाप प्रकार) का तोलन उपकरण है। इसकी अधिकतम क्षमता 5 कि.ग्रा. और न्यूनतम क्षमता 20 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहार के लिए भरीव को खोलने से रोकने के लिए भी सीलबंद की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^{-5}$ ;  $2 \times 10^{-5}$  या  $5 \times 10^{-5}$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(117)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th August, 2004

**S.O. 2433.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Table top type) weighing instrument with digital indication of "SST" series of medium accuracy (Accuracy class-III) and with brand name "SIGMA" (hereinafter referred to as the said model), manufactured by M/s. Sigma Scale Industries, 6-3-456/5, Dwarkapuri Colony, B/H Motel House, Punjagutta, Hyderabad-500082 and which is assigned the approval mark INE/09/2003/615;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 5 kg and minimum capacity of 20 kg. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value  $1 \times 10^1$ ,  $2 \times 10^1$  or  $5 \times 10^1$ , 'n' being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F.No. WM-21(117)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2004

का. आ. 2434.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एवरेस्ट स्केल कं., 1225, त्रिची रोड, कोयम्बतूर-641018 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "ई सी टी" शृंखला के अस्वचालित, अंकक सूचन सहित, अस्वचालित (प्लेटफार्म मशीन का कनवर्शन किट) तोलन उपकरण के मॉडल का, जिसके ब्रांड का नाम "एवरेस्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/16 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत प्रकार का गैज लोड सेल आधारित अस्वचालित (प्लेटफार्म मशीन का कनवर्शन किट) प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सील की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि. ग्रा. से 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^{-6}$ ,  $2 \times 10^{-6}$  या  $5 \times 10^{-6}$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(227)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान.

New Delhi, the 18th August, 2004

**S.O. 2434.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Conversion kit Platform machine) with digital indication of "ECT" series of medium accuracy (accuracy class-III), and with brand name "EVEREST" (hereinafter referred to as the said model), manufactured by M/s. Everest Scale Co., 1225, Trichi Road, Coimbatore-641018 and which is assigned the approval mark IND/09/2004/16;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Conversion kit for Platform machine) with a maximum capacity of 300 kg and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 V, 50 Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

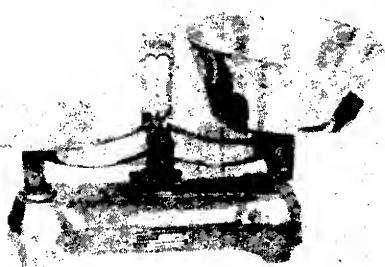
Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and upto 1000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[D. No. WM-11(227)/2004]

P. A. KRISHNAMOORTHY Director, Legal Metrology



गुण (आकृति देखें) एक काउंटर मशीन है जिसकी अधिकतम क्षमता 10 कि.ग्रा. है।



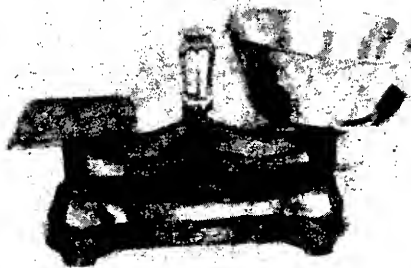
पी. ए. कृष्णामूर्ति, निदेशक, विधिवक भाषा विज्ञान

New Delhi, the 18th August, 2004

**S.O. 2435.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of Counter machine (herein referred to as the Model) with brand name "SHUBH" manufactured by M/s. Shubh Weighing Scales, A-6/15, S.S.G.T. Road, Industrial Area, Ghaziabad, Uttar Pradesh and which is assigned the approval mark IND/09/2004/04;

The said Model (see the figure) is "counter machine". The maximum capacity is 10 kg.



Further, in exercise of the powers conferred by sub-section (12) of the said Section the Central Government hereby declares that this certificate of approval of the said Model shall also cover the counter machine of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

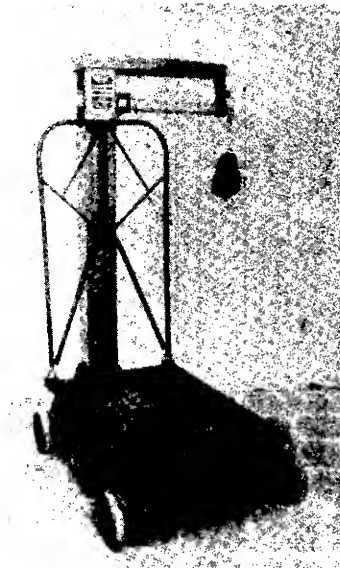
[F. No. WM-21(164)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2004

का. आ. 2436.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः राज्य केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स शुभ वेइंग स्केल्स, ए-6/15, एस. एम. जी. टी. रोड, इंडस्ट्रियल एरिया, गाजियाबाद, उत्तर प्रदेश द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस डब्ल्यू पी" शृंखला के अस्वचालित तुल्य रूप सूचन सहित (प्लेटफार्म मशीन प्रो वेट प्रकार का) तोलन उपकरण के मॉडल का, जिसके ब्रांड का नाम "शुभ" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/05 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक यांत्रिक स्टीलयार्ड प्रकार का लीवर आधारित अस्वचालित प्लेटफार्म मशीन प्रो वेट प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इन प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि. ग्रा. से 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

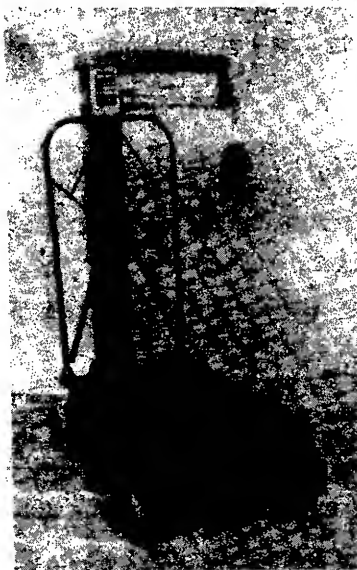
[फा. सं. डब्ल्यू एम-21(164)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2004

**S.O. 2436.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Platform machine-Pro Weight type) weighing instrument with analogue indication of "SWP" series of medium accuracy (accuracy class-III) and with brand name "SHUBH" (herein referred to as the said model), manufactured by M/s. Shubh Weighing Scales, A-6/15, S.S.G.T. Road, Industrial Area, Gaziabad, Uttar Pradesh and which is assigned the approval mark IND/09/2004/05;



The said model is a mechanical steelyard type lever based non-automatic weighing instrument (Platform machine-Pro Weight type) with a maximum capacity of 300 kg and minimum capacity of 2 kg. The verification scale interval (e) is 100g.

In addition to sealing the stamping plate, sealing shall also done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 1000 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 5 g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(164)/2003]

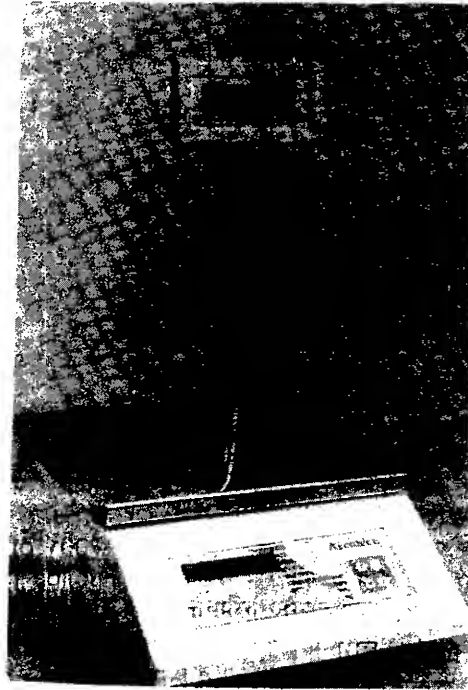
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2004

का. आ. 2437.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एकूटैक इंडिया मार्केटिंग, 16, अंदल स्ट्रीट-II, लक्ष्मीपुरम, पोलमेडू, कोयम्बतूर-641004 तमिलनाडु द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ए टी" श्रृंखला के अस्वचालित अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एकूटैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/51 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है;

उक्त मॉडल विकृतमापी प्रकार भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

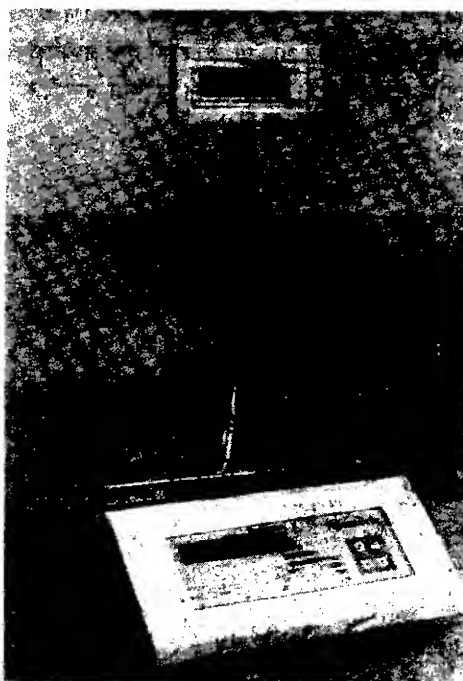
[फा.सं. डब्ल्यू एम-21(158)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2004

**S.O. 2437.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the non-automatic weighing instrument (Table top type) with digital indication of "AT" series of medium accuracy (Accuracy class III) and with brand name "ACCUTECH" (herein referred to as the said model), manufactured by M/s. Accutech India Marketing, 16, Andal Street-II, Lakshmipuram, Peelamedu, Coimbatore-641004, Tamil Nadu and which is assigned the approval mark IND/09/2004/51;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 V, 50 Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to stop the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (e) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g and with verification scale interval (e) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value  $1 \times 10^4$ ,  $2 \times 10^4$  or  $5 \times 10^4$  being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the Said approved model has been manufactured.

[F. No. WM-21(158)/2003]

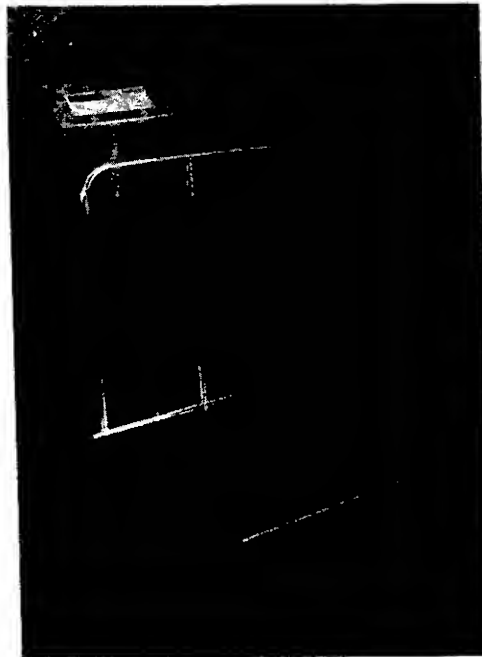
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2004

का. आ. 2438.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एकूटैक इंडिया मार्केटिंग, 16 अंदल स्ट्रीट-II, लक्ष्मीपुरम पीलमेडू, कोयम्बतूर-641004 तमिलनाडु द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "ए पी" शृंखला के अस्वचालित अंकक सूचन सहित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एकूटैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/52 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल विकृतमापी प्रकार भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 60 कि. ग्रा. से 5000 कि. ग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^{-6}$ ,  $2 \times 10^{-6}$  या  $5 \times 10^{-6}$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फ़.सं. डब्ल्यू एम-21(158)/2003]

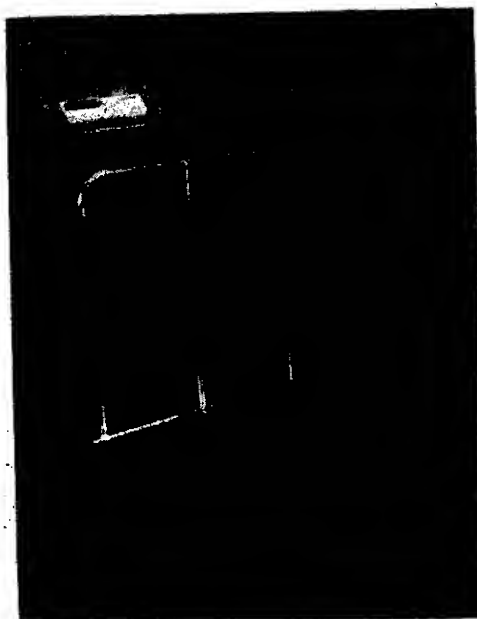
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



New Delhi, the 18th August, 2004

**S.O. 2438.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the non-automatic weighing instrument (Platform type) with digital indication of "AP" series of medium accuracy (Accuracy class III) and with brand name "ACCUTECH" (hereinafter referred to as the said model), manufactured by M/s. Accutech India Marketing, 16, Andal Street-II, Lakshmiapuram, Peciamedu, Coimbatore-641 004, Tamil Nadu and which is assigned the approval mark IND/09/2004/52;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instruments operates on 230V, 50Hz alternative current power supply;

In addition to sealing the stamping plate, scaling shall also done to stop the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

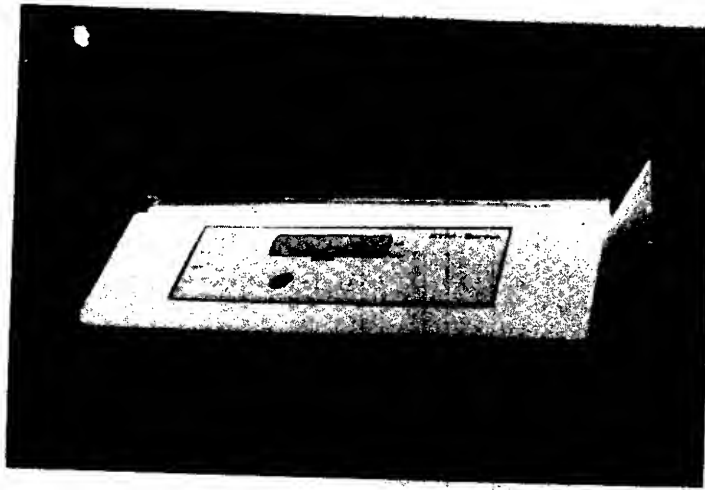
[F. No. WM-21(158)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2004

का. आ. 2439—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह संवाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आत्मा टेक्नोलोजिज, एच-16, फ्लैट नं. 4, प्रथम तल जवाहरलाल नेहरू रोड, वेदपालासी, चैन्नई-600026 तमिलनाडु द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "ए टी एम" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "आत्मा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/55 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृत गैज प्रकार का लोड सेल आधारित अस्वचालित (टेबलटाप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सील की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^{-6}$ ,  $2 \times 10^{-6}$  या  $5 \times 10^{-6}$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

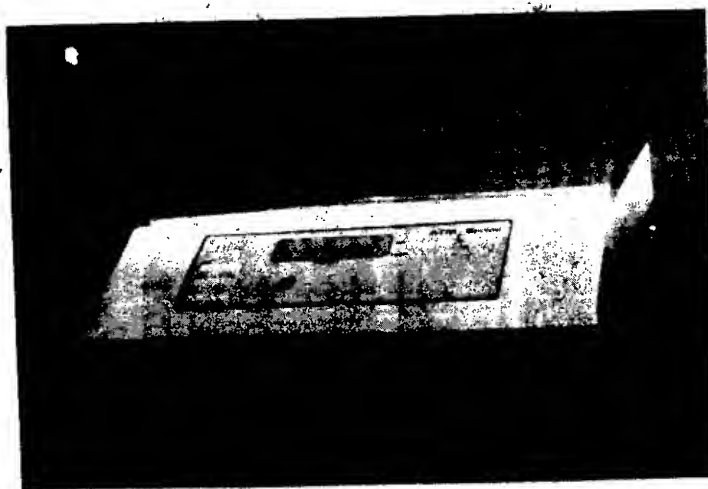
[फा.सं. डब्ल्यू एम-21(230)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2004

**S.O. 2439.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely, to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the non-automatic weighing instrument (Table top type) with digital indication of "ATM" series of medium accuracy (Accuracy class III) and with brand name "ATMA" (herein referred to as the said model), manufactured by M/s. Atma Technologies, H-16, Flat No. 4, 1st Floor, Jawahar Lal Nehru Road, Vadpalani, Chennai-600 026, Tamil Nadu and which is assigned the approval mark IND/09/2004/55;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to stop the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

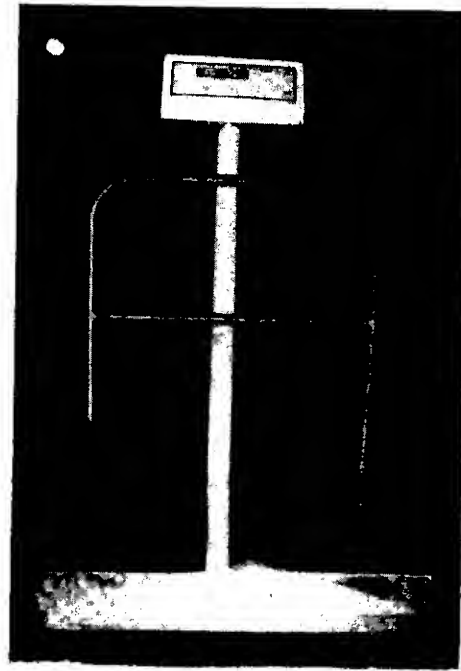
[F. No. WM-21(230)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2004

का. आ. 2440,—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) वाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा वाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सैसर्स आत्मा टेक्नोलोजिज, एच-16, फ्लैट नं. 4, प्रथम तल, जवाहरलाल नेहरू रोड, वेदपालानी, चैन्नई-600026 तमिलनाडु द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले "ए पी एम" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "आत्मा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/56 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृत गैज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्त है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सील की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि. ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

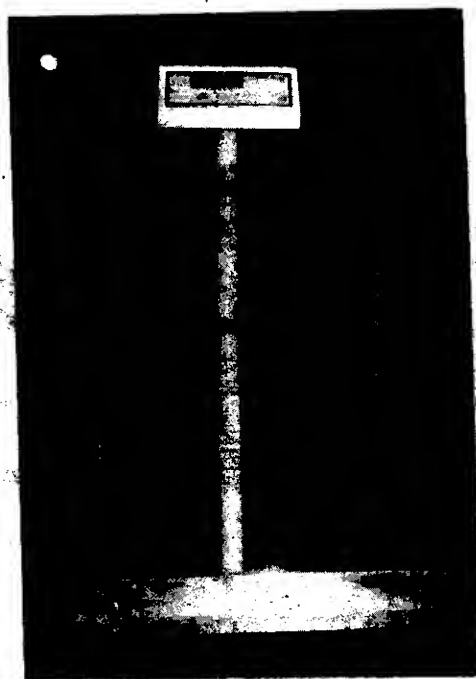
[फा.सं. डब्ल्यू एम-21(230)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2004

**S.O. 2440.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the non-automatic weighing instrument (Platform type) with digital indication of "APM" series of medium accuracy (Accuracy class III) and with brand name "ATMA" (hereinafter referred to as the said model), manufactured by M/s. Atma Technologies, H-16, Flat No. 4, 1st Floor, Jawahar Lal Nehru Road, Vadpalani, Chennai-600 026, Tamil Nadu and which is assigned the approval mark IND/09/2004/56;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg and minimum capacity of 4 kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity 50kg and upto 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(230)/2003]

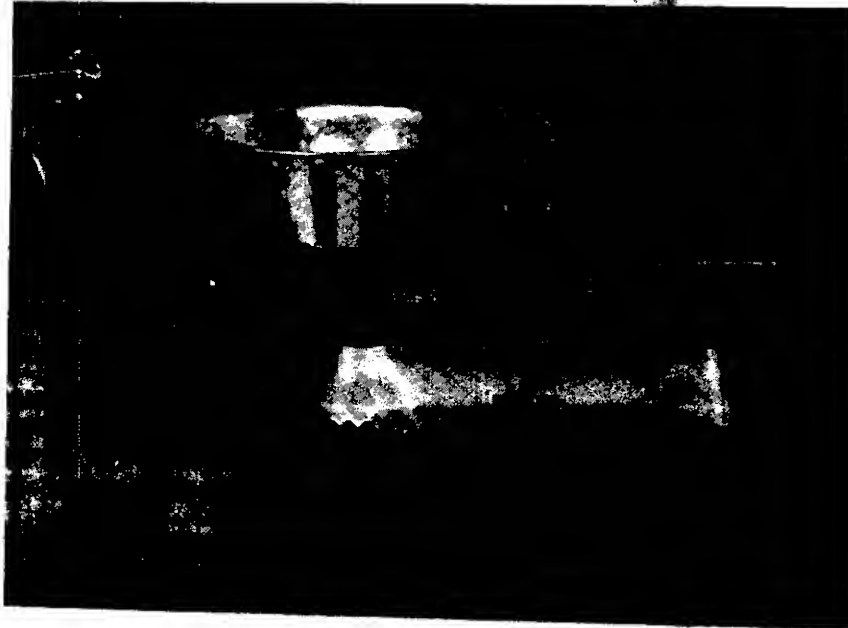
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2004

का. आ. 2441.—केन्द्रीय सरकार का, विभिन्न प्राधिकारों द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) ज्ञात और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अमर स्केल्स कारपोरेशन, ए-3, चन्द्र नगर, दिल्ली-51 द्वारा विनिर्मित यांत्रिक काउंटर मशीन के मॉडल का, जिसके ब्रांड का नाम 'एयरी' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/17 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखिए) एक काउंटर मशीन है। इसकी अधिकतम क्षमता 5 कि.ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल विनिर्माण किया गया है, उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन की यांत्रिक काउंटर मशीन है जो 500 ग्रा. से 50 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा.सं. डब्ल्यू एम-21(118)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 15th August, 2004

**S.O. 2441.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of a counter machine with brand name "AIRY" (herein referred to as the said model), manufactured by M/s. Amar Scales Corporation, A-3, Chander Nagar, Delhi-110051 and which is assigned the approval mark IND/09/2004/17;

The said model (figure given) is a counter machine. Its maximum capacity is 5 kg.



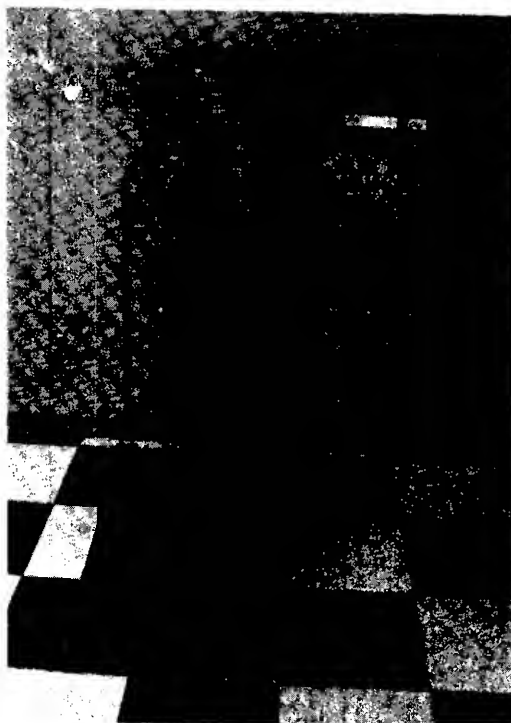
Further, in exercise of the powers conferred by sub-section (12) of the said Section the Central Government hereby declares that this certificate of approval of the said model shall also cover the counter machine of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model have been manufactured.

(F No. WM-24(118)/2003)  
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2004

का. आ. 2442.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अमर स्केल्स कारपोरेशन, ए-3, चन्द्र नगर, दिल्ली-51 द्वारा मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "एयरी" शृंखला के अस्वचालित (प्लेटफार्म स्टील यार्ड प्रकार) अंकक सूचन सहित तोलन उपकरण के मॉडल का, जिसके ब्राण्ड का नाम "एयरी" है (जिसे इसमें इसके पश्चात् मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/18 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक यांत्रिक स्टील यार्ड प्रकार का लीवर आधारित अस्वचालित (प्लेटफार्म मशीन स्टील यार्ड प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है।

स्टैमिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि. ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[पत्र.सं. डब्ल्यू एम-21(118)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



New Delhi, the 18th August, 2004

**S.O. 2442.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the non-automatic (Platform machine Steelyard type) weighing instrument with analogue indication of "AIRY" series of medium accuracy (Accuracy class III) and with brand name "AIRY" (herein referred to as the said model), manufactured by M/s. Amar Seals Corporation, A-3, Chander Nagar, Delhi-110051 and which is assigned the approval mark IND/09/2004/18;



The said model is a mechanical steelyard type lever based non-automatic weighing instrument (Platform machine-Steelyard type) with a maximum capacity of 300 kg and minimum capacity of 2 kg. The verification scale interval (e) is 100 g.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg and up to 1000 kg, with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 5g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the approved model has been manufactured.

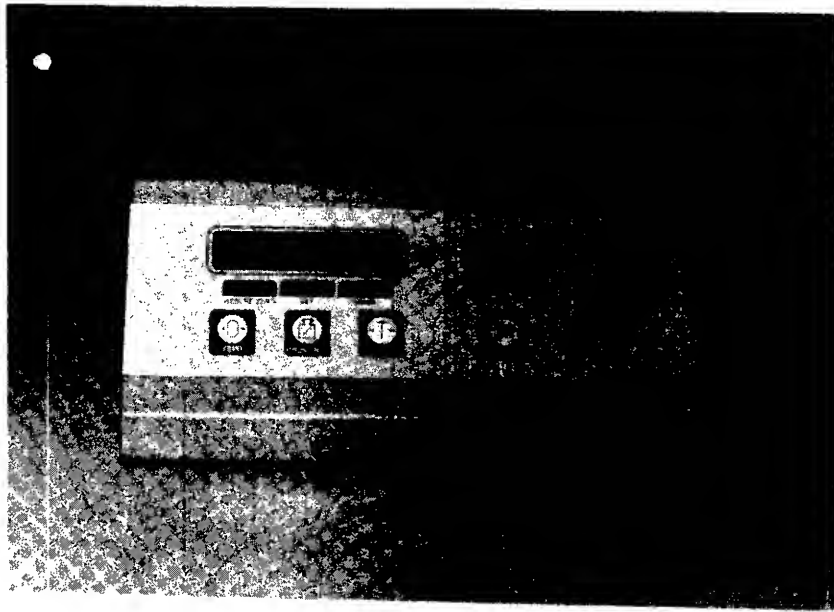
[F. No. WM-21(118)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2004

का. आ. 2443.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अशबी सिस्टम प्रा.लि., सी-64, ओखला इण्डस्ट्रियल एरिया, फेज-I, नई दिल्ली-110020 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "888" शृंखला के अस्वचालित वेब्रिज प्रकार का अंकक सूचन सहित तोलन उपकरण के माडल का, जिसके ब्राण्ड का नाम "अशबी" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/68 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त माडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित वेब्रिज प्रकार का तोलन उपकरण है। इसकी अधिकतम क्षमता 60 टन और न्यूनतम क्षमता 200 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सील की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यक्षमता के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(235)/2003]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2004

**S.O. 2443.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the non-automatic weighing instrument (Weighbridge type) with digital indication of "888" series of medium accuracy (Accuracy class III) and with brand name "ashbee" (herein referred to as the said Model), manufactured by M/s. Ashbee Systems Pvt. Ltd., C-64, Okhla Industrial Area, Phase-I, New Delhi-110020 and which is assigned the approval mark IND/09/2004/68;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 60 tonne and minimum capacity of 200kg. The verification scale interval (e) is 10kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting diode (LED) Display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 20 tonne with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5 kg. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

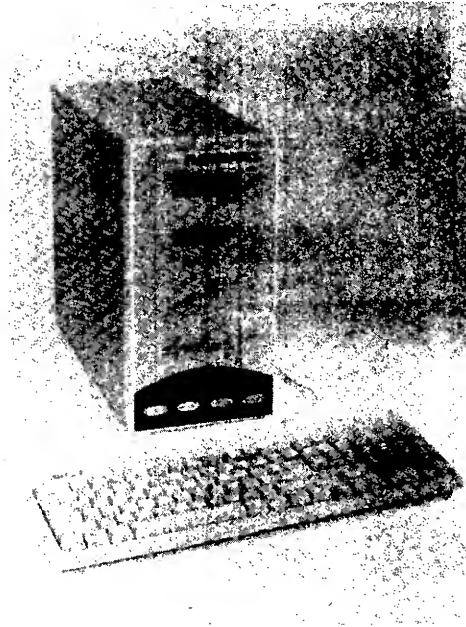
[F. No. WM-21(235)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2004

का. आ. 2444.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स आई पी ए फ्लोमेटिक्स प्रा. लि., 447, 12वां क्रॉस, चौथा फेज, पोनया इण्डस्ट्रीयल एरिया, बंगलौर-560 058 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ए डब्ल्यू-डब्ल्यू बी" श्रृंखला के अस्वचालित, अंकक सूचन सहित अस्वचालित तोलन उपकरण (तोल सेतु प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "फ्लोमेटिक्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/08 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का बहु लोड सेल आधारित अस्वचालित (तोल सेतु प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 200 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 10 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सील की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

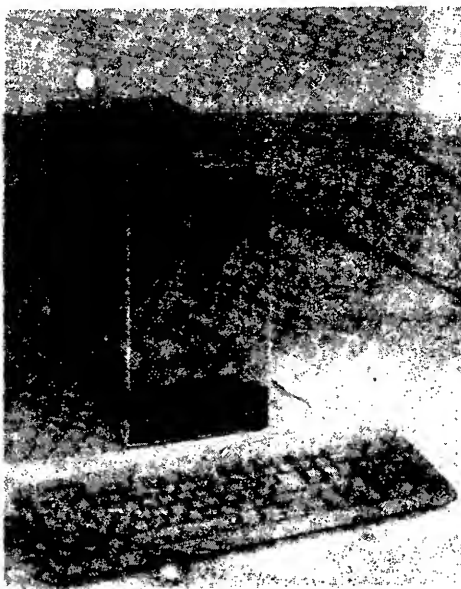
[ फा.सं. डब्ल्यू एम-21(215)/2003 ]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2004

**S.O. 2444.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Weighbridge type) with digital indication of "AW-WB" series of medium accuracy (accuracy class-III) and with brand name "FLOMATICS" (herein referred to as the said model), manufactured by M/s IPA Flowmatics Pvt. Ltd., 447, 12th Cross, 4th Phase, Peenya Industrial Area, Bangalore-560 058 and which is assigned the approval mark IND/09/2004/08;



The said model is a strain gauge type multi load cell based non-automatic weighing instrument (Weighbridge type) with a maximum capacity of 40 tonne and minimum capacity of 200kg. The verification scale interval (e) is 10kg. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instruments operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and upto 100tonne with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5kg. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(215)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2004

का. आ. 2445—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाह और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जे एंड जे इंटरप्राइजिज, एल आई जी 650, 8वां मैन रोड मुगाप्पेयर एरी, चेन्नई 600 058 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "ए-30-टी टी" श्रृंखला के अस्वचालित (टेबल टॉप प्रकार का) अंकक सूचन सहित तोलन उपकरण के मॉडल का, जिसके ब्राण्ड का नाम "देरो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विन आई एन डी/09/2004/69 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्राम तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

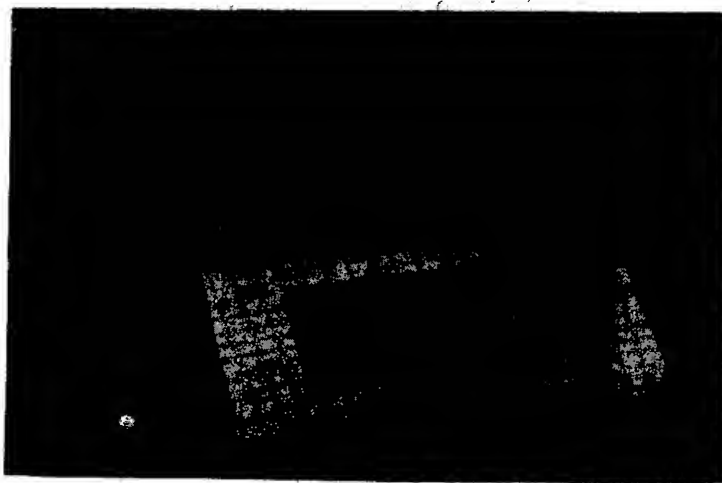
[फा.सं. डब्ल्यू एम-21(129)/2003]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2004

**S.O. 2445.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Table top type) with digital indication of "A-30-TT" series of medium accuracy (Accuracy class-III) and with brand name "ARROW" (herein referred to as the said model), manufactured by M/s J & J Enterprises, LIG-650, 8th Main Road, Mugappair Eri, Chennai - 600 058 and which is assigned the approval mark IND/09/2004/69;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

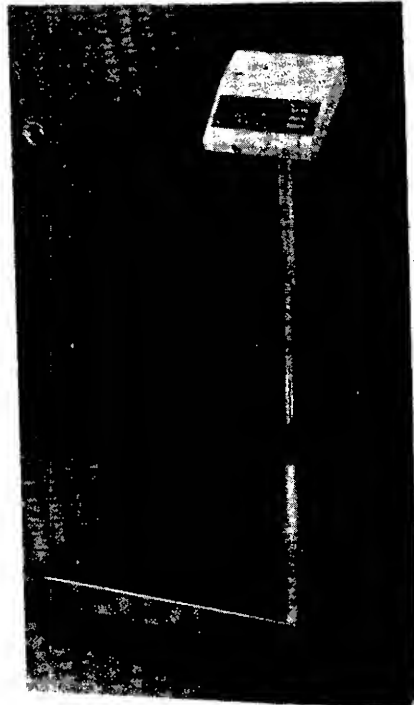
[F. No. WM-21(129)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2004

का. आ. 2446.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जे एंड जे इंटरप्राइजिज, एल आई जी-650, 8वां मैन रोड, मुगाप्येयर एरी, चेन्नई-600058 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग III) वाले "ए-10-पी एफ" श्रृंखला के अस्वचालित (प्लेटफार्म प्रकार का) अंकक सूचन सहित तोलन उपकरण के मॉडल का, जिसके ब्राण्ड का नाम "ऐरो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/70 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10000 तक की रेंज में सत्यापन मापमान अंतराल सहित 50 कि. ग्रा. से 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(129)/2003]

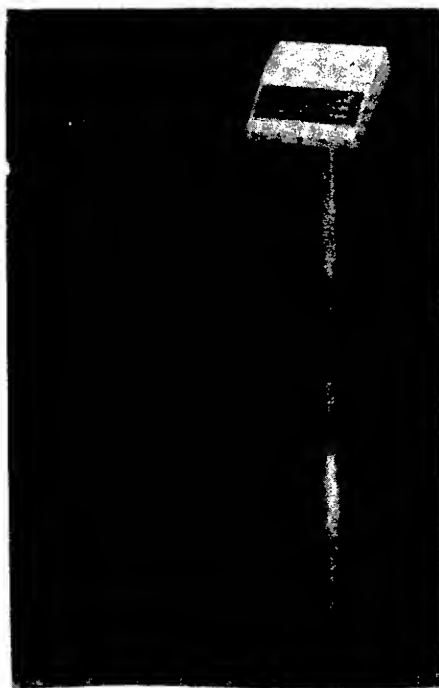
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



New Delhi, the 18th August, 2004

**S.O. 2446.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Platform type) with digital indication of "A-10-PF" series of medium accuracy (Accuracy class-III) and with brand name "ARROW" (herein referred to as the said model), manufactured by M/s J & J Enterprises, LIG-650, 8th Main Road, Mugappair Eri, Chennai - 600058 and which is assigned the approval mark IND/09/2004/70;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which the said approved model has been manufactured.

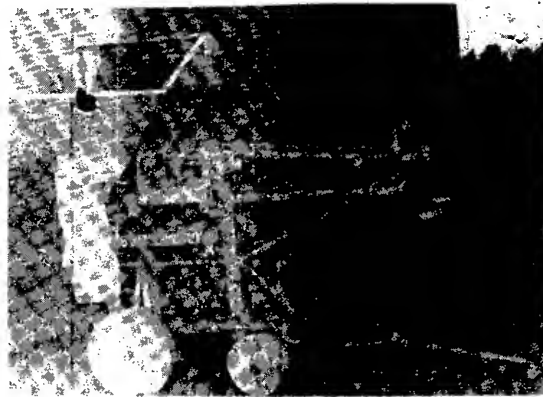
[F. No. WM-21(129)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2004

का. आ. 2447.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जय बजरंग आयरन वर्क्स, एच पी पेट्रोल पंप के सामने, महुआ रोड, सावरकुण्डला-364515, गुजरात द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग III) वाले "मारुति" श्रृंखला के सदृश सूचन सहित अस्वचालित तोलन उपकरण (वे बैचर प्लेटफार्म मशीन) के मॉडल का, जिसके ब्राण्ड का नाम "मारुति" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/91 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक यांत्रिक विषम भुज तुला प्रकार का लीवर आधारित अस्वचालित तोलन उपकरण (वे बैचर प्लेटफार्म मशीन) है। इसकी अधिकतम क्षमता 300 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि. ग्रा. से अधिक और 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(152)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2004

**S.O. 2447.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Weigh Batcher Platform Machine) weighing instrument with analogue indication of "MARUTI" series of high accuracy (accuracy class-III) and with brand name "MARUTI" (herein referred to as the said Model), manufactured by M/s Jay Bajrang Iron Works, Opp. H.P. Petrol Pump, Mahuva Road, Savarkundla - 364 515, Gujrat and which is assigned the approval mark IND/09/2004/91 ;



The said model is a mechanical steelyard type lever based non-automatic weighing instrument (Weigh Batcher Platform Machine) with a maximum capacity of 300kg and minimum capacity of 2kg. The verification scale interval (e) is 100g.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 1000kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(152)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2004

का. आ. 2448.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अंतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सुपर पैक पैकेजिंग मशीन प्राइवेट लि., 208/3, फेज-III, आई.डी.ए. चैरापली, हैदराबाद-500051 द्वारा विनिर्मित स्वचालित भरण मशीन (ओगर फिलर) वाले "एस.पी.-ए.एफ." शृंखला के अंकक सूचन के माडल का, जिसके ब्रांड का नाम "सुपर पैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/03/555 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक स्वचालित मशीन भरण मशीन है। इसकी अधिकतम क्षमता 1000 ग्रा. है। इसकी अधिकतम भरण दर 50 थैली प्रति मिनट है। मशीन को दूध पाउडर, काफी पाउडर, गेहूं आटा, पीसे हुए मसाले, औषधि चूर्ण, दन्त पाउडर, रसायन इत्यादि जैसे मुक्त बहाव वाले उत्पादों को भरने के लिए, डिजाइन किया गया है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के स्वचालित भरण मशीन भी होंगे जो 2 ग्राम से 1000 ग्राम तक की रेंज में अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू एम-21(183)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2004

**S.O. 2448.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of automatic filling machine (Auger Filler) with digital indication of "SP-AF" series with brand name "SUPER PACK" (herein referred to as the said model), manufactured by M/s. Super Pack Packaging Machine Private Limited, 208/3, Phase-III, IDA, Cheriapally, Hyderabad-500051 and which is assigned the approval mark IND/09/03/555;



The said Model is an automatic filling machine (Auger Filler). Its maximum capacity is 1000g. It has a maximum fill rate of 50 pouches per minute. The machine is designed for filling free flowing products like milk powder, coffee powder, wheat flour, ground spices, pharmaceutical powder, tooth powder, chemical etc. The instrument operates on 230V, AC 50 Hz alternative current power supply.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the automatic filling machine of similar make, accuracy and performance of the same series with the maximum capacity in the range of 2g to 1000g manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

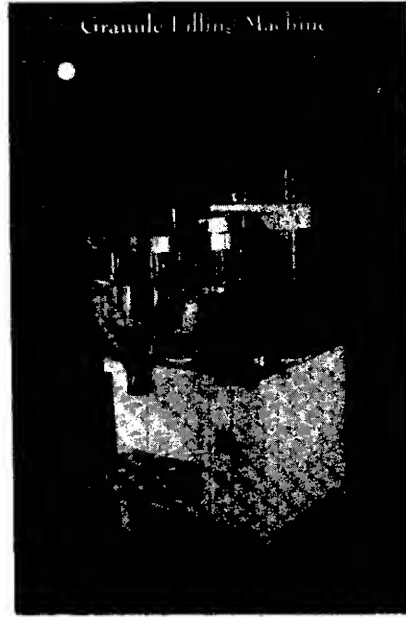
[F. No. WM-21(183)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2004

का. आ. 2449.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सुपर पैक पैकेजिंग मशीन प्राइवेट लि., 208/3, फेज-III, आई.डी.ए. चौरापली, हैदराबाद-500051 द्वारा विनिर्मित स्वचालित भरण मशीन (कप फिलर) वाले "एस.पी.-सी.एफ." शृंखला के अंकक सूचन के माडल का, जिसके ब्रांड का नाम "सुपर पैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/03/556 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक स्वचालित मशीन भरण मशीन (कप फिलर) है। इसकी अधिकतम क्षमता 2 कि.ग्रा. है। इसकी अधिकतम भरण दर 30 भरत प्रति मिनट है। मशीन को चाय, मसाले, चीनी, चावल, नमक, सूजी, कणी, डिटरजेंट, बीज, औषधि चूर्ण, कृषि उत्पादन इत्यादि जैसे मुक्त बहाव वाले उत्पादों को भरने के लिए, डिजाइन किया गया है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के स्वचालित भरण मशीन भी होंगे जो 2 ग्राम से 2 कि. ग्राम तक की रेंज में अधिकतम क्षमता वाले हैं।

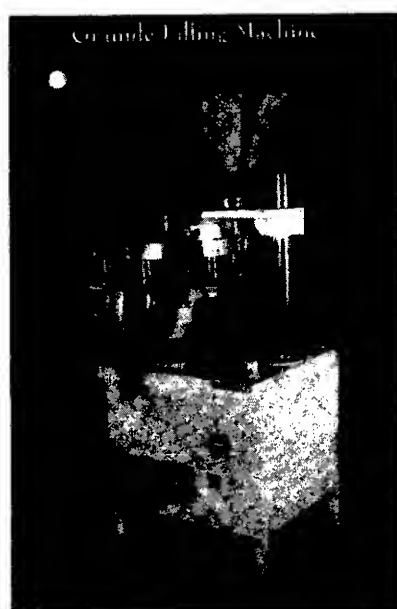
[फा.सं. डब्ल्यू एम-21(183)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 18th August, 2004

**S.O. 2449.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of automatic filling machine (Cup Filler) with digital indication of "SP-CF" series with brand name "SUPER PACK" (herein referred to as the said model), manufactured by M/s. Super Pack Packaging Machine Private Limited, 208/3, Phase-III, IDA, Cheriapally, Hyderabad-500051 and which is assigned the approval mark IND/09/03/556;



The said Model is an automatic filling machine (Cup Filler). Its maximum capacity is 2kg. It has a maximum fill rate of 30 fills per minute. The machine is designed for filling free flowing products like a tea, spices, sugar, rice, salt, soji, granuals, detergents, seeds, pharmaceutical, agricultural products etc. The instruments operates on 230V, AC 50Hz alternative current power supply.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the automatic filling machine of similar make, accuracy and performance of the same series with the maximum capacity in the range of 2g to 2kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(183)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 18 अगस्त, 2004

का. आ. 2450.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सुपर पैक पैकेजिंग मशीन प्राइवेट लि., 208/3, फेज-III, आई.डी.ए. चेरापली, हैदराबाद-500 051 द्वारा विनिर्मित स्वचालित भरण मशीन (पिस्टन फिलर) वाले "एस.पी.-पी.एफ." शृंखला के अंकक सूचन के मॉडल का, जिसके ब्रांड का नाम "सुपर पैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/03/557 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक स्वचालित भरण मशीन (पिस्टन फिलर) है। इसकी अधिकतम क्षमता 2 कि. ग्रा. है। इसकी अधिकतम भरण दर 15 भरत प्रति मिनट है। मशीन को वनस्पति तेल, घी, वनस्पति, मागरीन आदि जैसे अमुक्त बहाव वाले द्रव उत्पादों को भरने के लिए, डिजाइन किया गया है। उपकरण 440 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, से विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के स्वचालित भरण मशीन भी होंगे जो 2 ग्राम से 2 कि.ग्रा. तक की रेंज में अधिकतम क्षमता वाले हैं।

[फा.सं. डब्ल्यू.एम-21(183)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



New Delhi, the 18th August, 2004

S.O. 2450.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of automatic filling machine (Piston Filler) with digital indication of "SP-PF" series with brand name "SUPER PACK" (herein referred to as the said model), manufactured by M/s. Super Pack Packaging Machine Private Limited, 208/3, Phase-III, IDA, Cheriapally, Hyderabad-500 051 and which is assigned the approval mark IND/09/03/557;



The said Model is an automatic filling machine (Piston Filler). Its maximum capacity is 2 kg. It has a maximum fill rate of 15 fills per minute. The machine is designed for filling non free flowing liquid products like vegetable oils, ghee, vanaspathi, margarine etc. The instrument operates on 440V, AC 50Hz alternative current power supply;

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the automatic filling machine of similar make, accuracy and performance of the same series with the maximum capacity in the range of 2g to 2kg. or equivalent volume manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

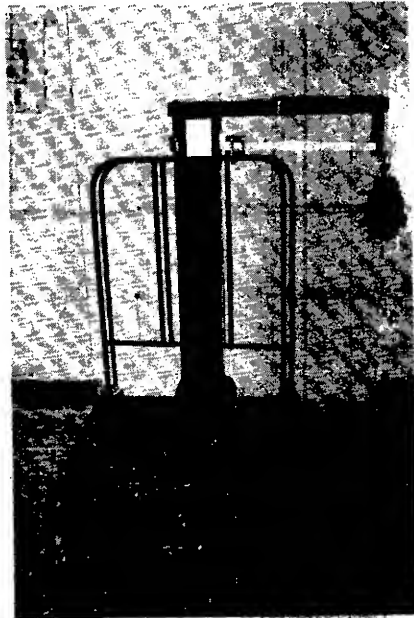
[F. No. WM-21(183)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 19 अगस्त, 2004

का. आ. 2451.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ए वी एम इंजीनियर्स, जी टी रोड, बटाला-143 505, जिला गुरदासपुर, पंजाब द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "पी एफ एस" श्रृंखला के सदृश्य अस्वचालित तोलन उपकरण (प्लेटफार्म मशीन-प्रो भार प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ए वी ई एम एम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/04/100 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विषम भुज तुला प्रकार का लीवर आधारित (प्लेटफार्म मशीन प्रो भार प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खेलने से रोकने के लिए भी सीलबंद की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि. ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

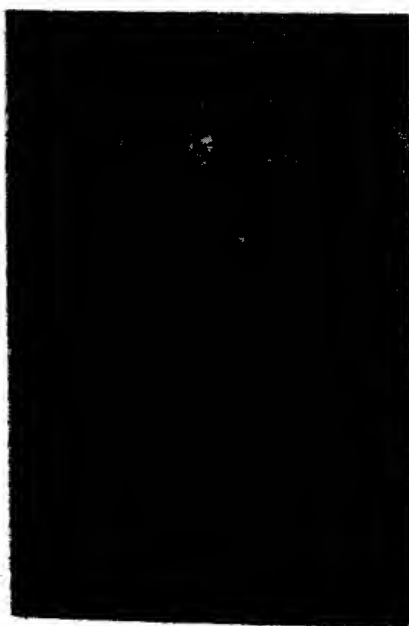
[फा.सं. डब्ल्यू एम-21(175)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 19th August, 2004

**S.O. 2451.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform machine-Pro weight type) with analogue indication of "PFS" series of medium accuracy (accuracy class-III) and with brand name "AVEMM" (herein referred to as the said model), manufactured by M/s. A.V.M. Engineers, G.T. Road, Batala-143 505, District-Gurdaspur, Punjab and which is assigned the approval mark IND/09/04/100;



The said Model is a steelyard type lever based non-automatic weighing instrument (Platform machine-Pro weight type) with a maximum capacity of 500kg and minimum capacity of 2kg. The verification scale interval (e) is 100g.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity above 50kg and upto 1000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the approved model has been manufactured.

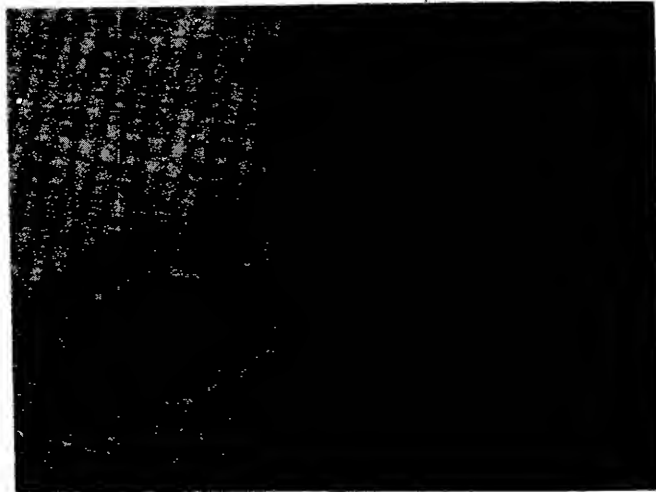
[F. No. WM-21(175)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 20 अगस्त, 2004

का. आ. 2452.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा फिजीकलिसक टकिनस्के बल्डेसनस्टाल्ट, ब्रौनस्किविंग एंड बर्लिन जर्मनी (पी टी बी) द्वारा जारी माडल अनुमोदन प्रमाण पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (3) के तीसरे परन्तुक और उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पियूसी एसपीए, वाया पसिनोट्टी, I-46029, सूजेरा (एम एन) इटली द्वारा विनिर्मित और भारत में मैसर्स इंगरसोल रैन्ड वाइको टूल्स प्राईवेट लिमिटेड, 37-ए साइट 4, साहिबाबाद इन्डस्ट्रियल एरिया, गाजियाबाद- 201010 द्वारा विष्पष्टित "के ए 500 और के ए 475" श्रृंखला के ओवल व्हील मीटर के माडल का और जिसे अनुमोदन चिह्न आई एन डी/13/2003/690 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है;



उक्त मॉडल वैधुत काउंटर श्रृंखला सं. के ए 500 (नियतपूर्व काउंटर सहित हस्तचालित प्रवाह गणक) और के ए 475 (हस्तचालित प्रवाह गणक) सहित एक ओवल व्हील मीटर है और जिसकी मापमान प्रकोष्ठ की क्षमता का परिमाण 19.2 सीएम 3 है। इसकी अधिकतम प्रवाह दर 20 लीटर प्रति मिनट और न्यूनतम प्रवाह दर 1 लीटर प्रति मिनट है। अधिकतम परिचालन दान्न 70 बार है। मापमान परिणाम चार अंकक सात एल सी डी एंड प्रदर्श द्वारा प्रदर्शित किया जाता है। सबसे छोटे खण्ड का परिमाण 0.001 लीटर से 9.999 लीटर तक और 10.00 लीटर से 99.99 लीटर तक 0.01 लीटर मीटर का उपयोग 10 एम पीए-एस से 2000 एम पीए-एस विस्कासिता रेंज वाले स्नेहक तेल, हाइड्रोलिक तेल या कटिंग तेल के मापने के लिए किया जाता है।

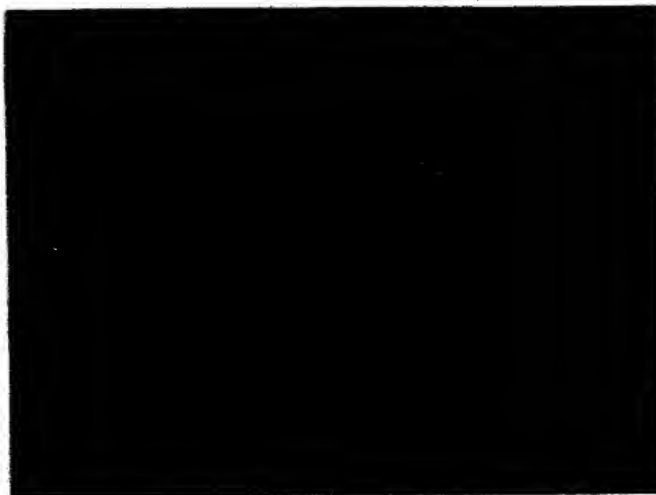
[फा.सं. डब्ल्यू एम-21(190)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th August, 2004

**S.O. 2452.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the Model approval certificate issued by the Physikalisch Technische Bundesanstalt, Braunschweig and Berlin, Germany (PTB) is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and Sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the models of Oval Wheel Meter series No. KA 500 and KA 475 manufactured by M/s. PIUSI SpA, Via Pacinotti, I-46029, Suzzara (MN) Italy marketed in India by M/s. Ingersoll Rand Wadco Tools Pvt. Limited, 37-A, Site 4, Sahibabad Industrial Area, Ghaziabad 201010 and which is assigned the approval mark IND/13/2003/690;



The model is an Oval Wheel Meter with electrical Counter series No. KA 500 (manual flow counter with preset counter) and KA 475 (manual flow counter) having volume of measurement chamber of capacity 19.2 cm<sup>3</sup>, Maximum flow rate is 20 litre per minute and minimum flow rate is 1 litre per minute, The maximum operating pressure is 70 bar. The measurement result is indicated by four digits seven-segment LCD display, Value of smallest division is 0.001 litre up to 9,999 litres and 0.01 litre from 10.000 litre to 99.99 litres, The meter is used for measuring lubricating oil, hydraulic oil or cutting oil having viscosity range of 10 mPa-s to 2000 m PA-s.

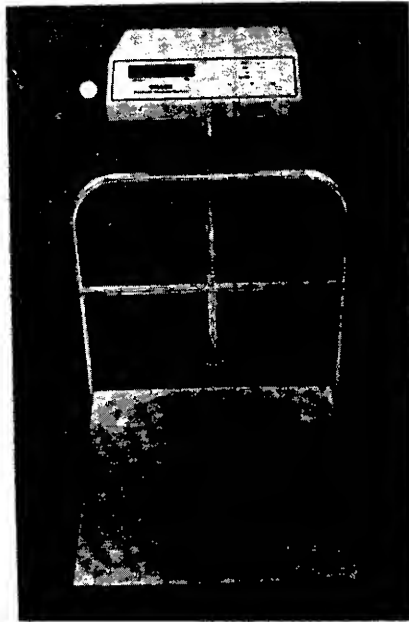
[F. No. WM-21(190)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 23 अगस्त, 2004

का. आ. 2453.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ग्रेस प्रॉडक्ट्स, प्लाट सं. ई-188, जी आई डी सी इलेक्ट्रॉनिक एस्टेट गांधी नगर-382028 गुजरात द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "2 जी आर 1000" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ग्रेस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/48 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार का) है। इसकी अधिकतम क्षमता 1000 कि. ग्रा., और न्यूनतम क्षमता 5 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबंद की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि. ग्रा. से और 5000 कि.ग्रा. तक की बीच की रेंज में अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$  के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

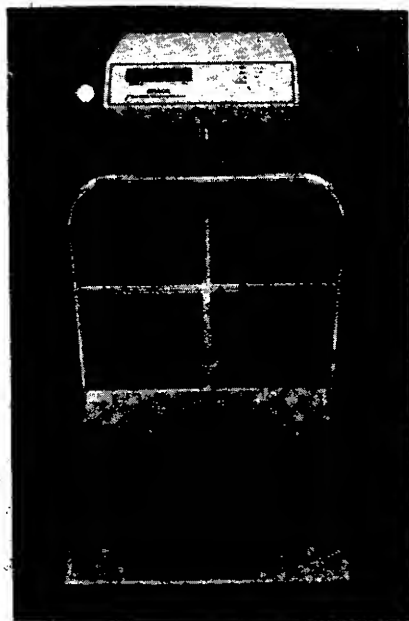
[फा.सं. डब्ल्यू एम-21(15)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd August, 2004

**S.O. 2453.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the said Model of non-automatic (Platform type) weighing instrument with digital indication of "2GR 1000" series of high accuracy (accuracy class-II) and with brand name "GRACE" (herein referred to as the said model), manufactured by M/s. Grace Products, E-188, G.I.D.C., Electronics Estate, Sector-26, Gandhinagar-382028, Gujarat and which is assigned the approval mark IND/09/2004/48;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg and minimum capacity of 5 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing is to be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of said section, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity ranging between 50 kg and upto 5000 kg and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design accuracy and with the same materials with which, the said approved model has been manufactured.

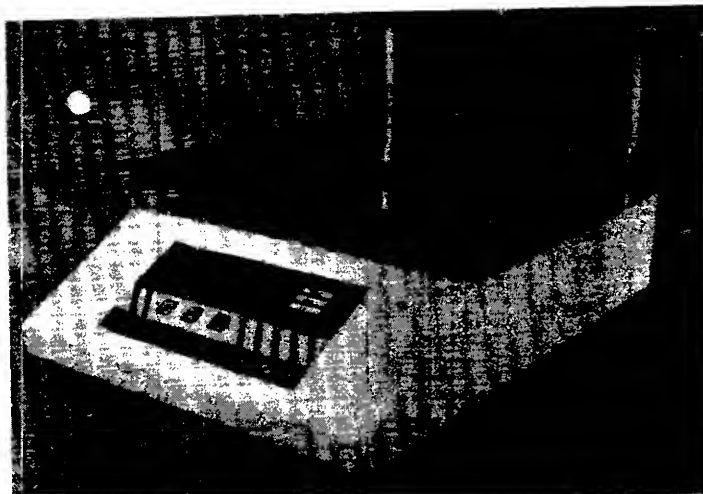
[F. No. WM-21(15)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 23 अगस्त, 2004

का. आ. 2454.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हनीवेल इंजीनियर्स, 27, मंगलमूर्ति सोसायटी, कादी, जिला-मेहसाना-382715 गुजरात द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "डी यू एक्स" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "हनीवेल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/66 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है जिसकी अधिकतम क्षमता 22 कि. ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है इसमें एक आधेयतुलन युक्ति है। जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्ट्याम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(109)/2003]

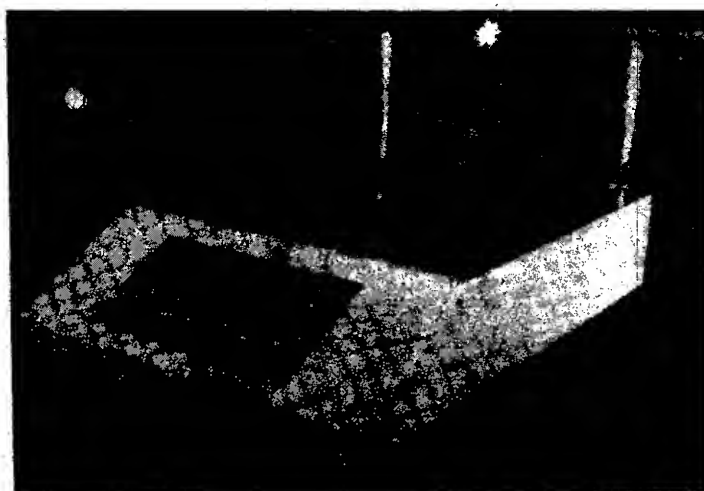
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



New Delhi, the 23rd August, 2004~

**S.O. 2454.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Table top type) with digital indication of "DUX" series of high accuracy (Accuracy class-II) and with brand name "Honeywell" (herein referred to as the said model), manufactured by M/s. Honeywell Engineers, 27, Mangalmurti Society, Kadi, District-Mehesana-382 715, Gujarat and which is assigned the approval mark IND/09/04/66;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 22kg. and minimum capacity of 100 g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instruments operates on 230 Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by Sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity upto 50kg. with verification scale interval(n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50 mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which the said approved model has been manufactured.

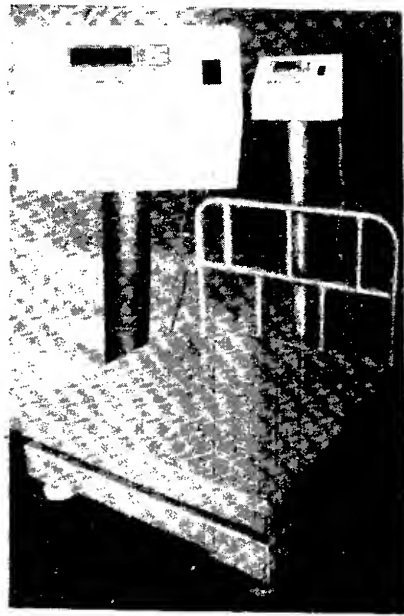
[F. No. WM-21(109)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 23 अगस्त, 2004

का. आ. 2455.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हनीवेल इंजीनियर्स, 27, मंगलमूर्ति सोसायटी, कादी, जिला-मेहसाना-382715 गुजरात द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "डी यू एक्स" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "हनीवेल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/67 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है जिसकी अधिकतम क्षमता 1000 कि. ग्रा. है और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है। जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. 2ग्रा. तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(109)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd August, 2004

**S.O. 2455.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Platform type) with digital indication of "DUX" series of medium accuracy (Accuracy class-III) and with brand name "Honeywell" (herein referred to as the said model), manufactured by M/s. Honeywell Engineers, 27, Mangalmurti Society, Kadi, District-Mehesana-382 715, Gujarat and which is assigned the approval mark IND/09/04/67;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make accuracy and performance of same series with maximum capacity above 50kg. and upto 5000kg. with verification scale interval(n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(109)/2003]

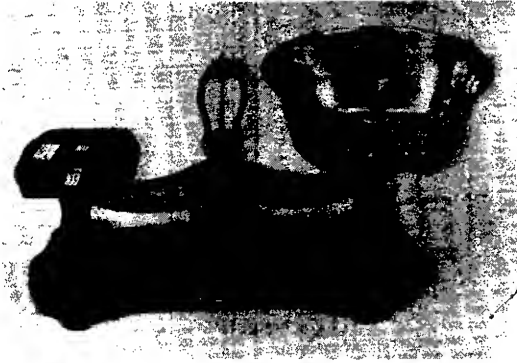
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 23 अगस्त, 2004

का. आ. 2456.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेराइट सिस्टम्स, डी एस आई डी सी, शेड सं. 8, स्कीम-I, ओखला, फेस-II, नई दिल्ली-110020 द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्राण्ड का नाम "वेराइट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/25 सम्मनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल काउंटर मशीन है। इसकी अधिकतम क्षमता 5 कि. ग्रा. है।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^*$ ,  $2 \times 10^*$  या  $5 \times 10^*$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

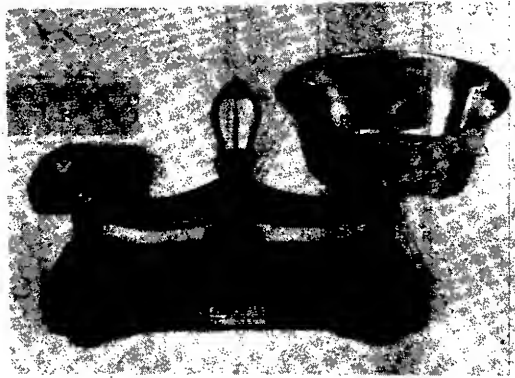
[फा. सं. डब्ल्यू एम-21(47)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd August, 2004

**S.O. 2456.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of a counter machine with brand name WEYRITE (herein referred to as the Model), manufactured by M/s. Weyrite Systems, DSIDC, Shed No. 8, Scheme-I, Okhla Phase-II, New Delhi-110020 and which is assigned the approval mark IND/09/2004/25; The said Model (figure given) is a counter machine. Its maximum capacity is 5kg.



Further, in exercise of the power conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 500g to 50kg, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model have been manufactured.

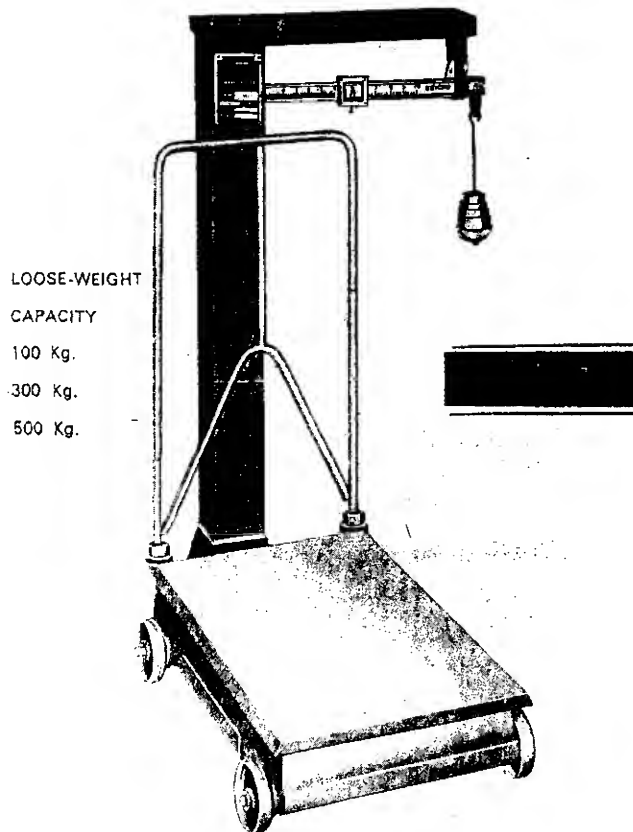
[F. No. WM-21(47)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 23 अगस्त, 2004

का.आ. 2457.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेराइट सिस्टम्स, डी एस आई डी सी, शेड सं. 8, स्कीम-I, ओखला, फेस-II, नई दिल्ली-110020 द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्राण्ड का नाम "वेराइट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/26 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल यांत्रिक स्टील यार्ड प्रकार का लीवर आधारित अस्वचालित (प्लेटफार्म यांत्रिक स्टील यार्ड प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा० और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबन्द किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 50 कि.ग्रा. से 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

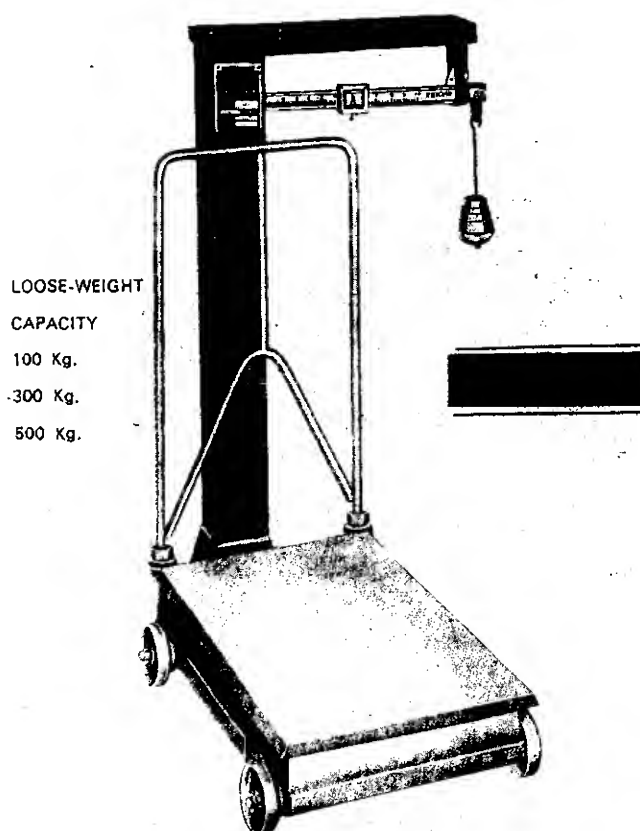
[फा.सं. डब्ल्यू एम-21(47)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd August, 2004

**S.O. 2457.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Platform machine-steelyard type) weighing instrument, with analogue indication of "WEYRITE" series of medium accuracy (accuracy class-III) and with brand name "WEYRITE" (herein referred to as the said Model), manufactured by M/s. Weyrite Systems, DSIDC, Shed No. 8, Scheme-I, Okhala Phase-II, New Delhi-110020 and which is assigned the approval mark IND/09/2004/26;



The said Model is a mechanical steelyard type lever based non-automatic weighing instrument (Platform machine-steelyard type) with a maximum capacity of 300 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g.

In addition to sealing the stamping plate, sealing is also done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 1000 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 5g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(47)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 23 अगस्त, 2004

का.आ. 2458.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स अमर स्केल्स एण्ड इंजीनियर्स, नेहरू ग्राउंड, एन आई टी फरीदाबाद, हरियाणा द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ए एस ई" मृंखला के सदृश सूक्ष्म, अस्वचालित तोलन उपकरण (कनवर्सन किट वेब्रिज प्रकार) के मॉडल का जिसके ब्राण्ड का नाम "अमर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/63 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित वेब्रिज का कनवर्सन किट तोलन उपकरण है। इसकी अधिकतम क्षमता 40 टन और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी मृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 5 टन से 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$  के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(105)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



New Delhi, the 23rd August, 2004

**S.O. 2458 .—**Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Conversion kit weighbridge) with digital indication of "ASE" series of medium accuracy (accuracy class III) and with brand name "AMAR" (herein referred to as the said Model), manufactured by M/s. Amar Scale and Engineers, Nehru Ground, NIT, Faridabad and which is assigned the approval mark IND/09/2004/63;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Conversion kit for weighbridge) with a maximum capacity of 40 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (a) in the range of 500 to 10,000 for 'e' value of 5 kg or more and with 'e' value of  $1 \times 10^3$ ,  $2 \times 10^3$  or  $5 \times 10^3$  kg being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

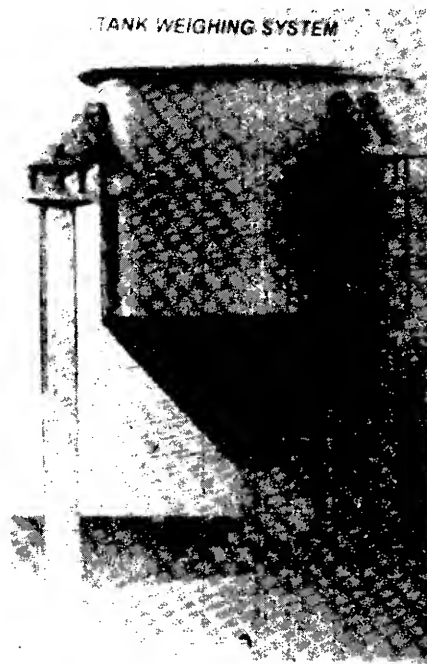
[F.No. WM-21(105)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 23 अगस्त, 2004

का.आ. 2459.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एल्डर इंस्ट्रुमेंट्स प्रा. लि., डब्ल्यू-345, टी टी सी इण्डस्ट्रीयल एरिया, नवी मुंबई-400701 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एल्डरपान-4000 टी" शृंखला के अस्वचालित, अंकक, सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक टैंक तोल और बैलिंग प्रणाली प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "एल्डरपान" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/53 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 20 टन और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सील की जाएगी।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान (एन) अंतराल सहित 5 टन से अधिक और 50 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

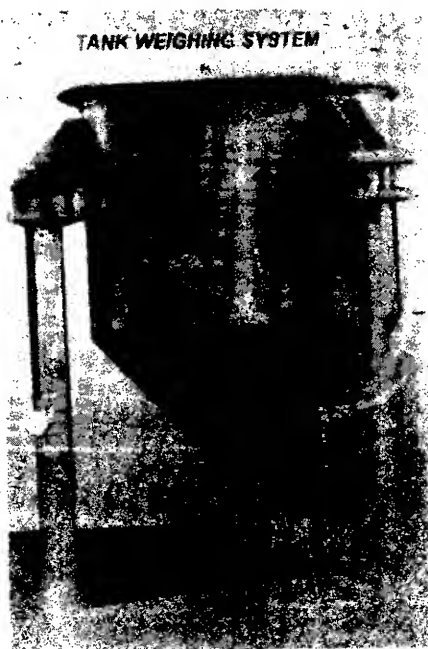
[फा.सं. डब्ल्यू एम-21(198)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd August, 2004

**S.O. 2459 .—**Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument with digital indication of "ELDERPAN-4000T" series of medium accuracy (accuracy class-III) and with brand name "ELDERPAN" (herein referred to as the said Model), manufactured by M/s. Elder Instruments Private Limited W-345, TTC Industrial Area, Rebale, Navi Mumbai-400701 and which is assigned the approval mark IND/09/2004/53;



The said model is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 20 tonne and minimum capacity of 100kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 50 tonne and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 kg or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(198)/2003]

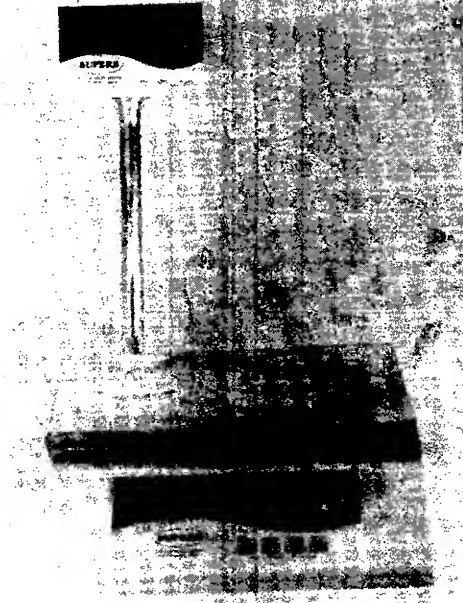
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 2 सितम्बर, 2004

का.आ. 2460.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सुपर्स इस्ट्रुमेंट्स, 29/ए, वन्दन पार्क सोसायटी, मणी नगर (पूर्व) अहमदाबाद-380008 गुजरात द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एस आई-टीटी-आईआई" शृंखला के अंकक, सूचन सहित अस्वचालित (टेबल टॉप प्रकार) के तोलन उपकरण के मॉडल का, जिसके ब्राण्ड का नाम "सुपर्स" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन बिह आई एन डी/09/2004/195 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

## SUPERB INSTRUMENTS S-I-T-T (TABLE TOP) SERIES



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित टेबल-टॉप प्रकार का अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^6$ ,  $2 \times 10^6$  या  $5 \times 10^6$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फ़.सं. डब्ल्यू एम-21(218)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 2nd September, 2004

**S.O. 2460** — Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "SI-TT-TT" series of medium accuracy (accuracy class III) and with brand name "SUPERB" (herein after referred to as the said Model), manufactured by M/s. Superb Instruments, 29/A, Vandan Park Society, Mani Nagar (East), Ahmedabad-380008 Gujarat and which is assigned the approval mark IND/09/2004/195;



The said model is a strain-gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

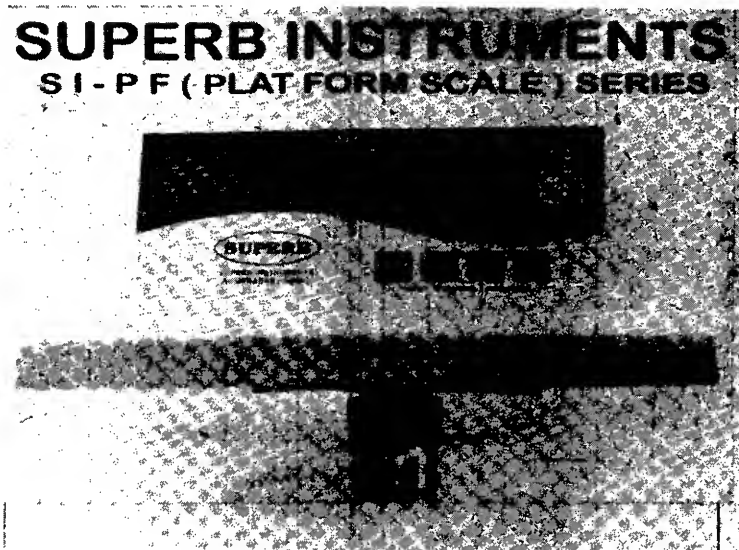
[F. No. WM-21(218)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 2 सितम्बर, 2004

का.आ. 2461.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सुपर्व इंस्ट्रुमेंट्स, 29/ए, वन्दन पार्क सोसायटी, मणी नगर (पूर्व) अहमदाबाद-380008 गुजरात द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एस आई-पी एफ-90" श्रृंखला के अंकक, सूचन सहित अस्वचालित (प्लेटफार्म प्रकार) के तोलन उपकरण के मॉडल का, जिसके ब्राण्ड का नाम "सुपर्व" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/196 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित प्लेटफार्म प्रकार का अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल सहित 50 कि. ग्रा. अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$ , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(218)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



New Delhi, the 2nd September, 2004

**S.O. 2461 .—**Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "SI-PF-09" series of medium accuracy (accuracy class III) and with brand name "SUPERB" (hereafter referred to as the said Model), manufactured by M/s. Superb Instruments, 29/A, Vandan Park Society, Mani Nagar (East), Ahmedabad-380008 Gujarat and which is assigned the approval mark IND/09/2004/196;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(218)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 2 सितम्बर, 2004

का.आ. 2462.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा बीजिंग चांग जी सर्विस स्टेशन, इक्विपमेंट कं. लिमिटेड, बिन्हे इण्डस्ट्रीयल जोन, जियानसी रोड डब्ल्यू, पिंगु 101200 बीजिंग, चीन गणराज्य द्वारा जारी मॉडल अनुमोदन प्रमाण पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की तीसरे परन्तुक की उपधारा (3) और उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स बीजिंग चांग जी सर्विस स्टेशन, इक्विपमेंट कं. लिमिटेड, बिन्हे इण्डस्ट्रीयल जोन, जियानसी रोड डब्ल्यू, पिंगु 101200 बीजिंग, चीन गणराज्य और भारत में मैसर्स वीदर रूट एशिया प्रा. लिमिटेड, आविष्कार, महन्त रोड, विले पार्ले ईस्ट, मुम्बई-400057 द्वारा बिक्री से पूर्व या पश्चात् आयतित अनुमोदित उपकरण में परिवर्धन या परिवर्तन किए बिना विपणित एन्डेवर शृंखला सं. जेटीए000जीबी, जेटीए100जीबी, जेटीए200जीबी, जेटी1000जीबी, जेटी1100जीबी, जेटी1200जीबी, जेटी1300जीबी और जेटी1500जीबी और एडवांटेज शृंखला सं. बी 05202, बी 21202, बी 23202, बी 31202, बीबी 33202, बीबी 3202, बीबी 7202, बीसी 3202, बीजे 3202 और बीके 3202 के फ्यूल डिस्पेंसिंग पम्प मॉडल का और जिसे अनुमोदन चिह्न आई एन डी/13/2003/566 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



यह मॉडल बहु-उत्पाद फ्यूल डिस्पेंसर है। इसकी अधिकतम बहाव दर 50 लीटर प्रतिमिनट और न्यूनतम बहाव दर 5 लीटर प्रतिमिनट है। अधिकतम मापी गई मात्रा 5 लीटर है। अधिकतम यूनिट मूल्य 4 अंकों के अंकक प्रदर्श पर प्रदर्शित किया जाता है और अधिकतम संदेय मूल्य 6 अंकों के प्रदर्श पर प्रदर्शित किया जाता है।

[फा.सं. डब्ल्यू एम-21(143)/2003]

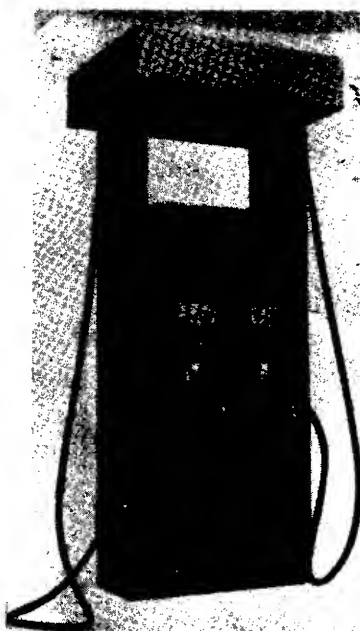
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान



New Delhi, the 2nd September, 2004

S.O. 2462.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority along with the model approval certificate issued by the Beijing Chang Gi Service Station, Equipment Co. Limited, Binhe Industrial Zone, Jianshi Road W, Pinggu, 101200 Beijing, People's Republic of China, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the models of Fuel Dispensing Pumps of Endeavor Series Nos. JTA000GB, JTA100GB, JTA200GB, JT1000GB, JT1100GB, JT1200GB, JT1300GB and JT1500GB and Advantage series Nos. B 05202, B 21202, B 23202, B 31202, B 33202, BB 3202, BB 7202, BC 3202, BJ 3202 and BK 3202 manufactured by Beijing Chang Gi Service Station, Equipment Co. Limited, Binhe Industrial Zone, Jianshi Road W, Pinggu, 101200 Beijing, People's Republic of China marked in India without making any addition or alteration in the imported approved instruments, before or after sale by M/s Veeder Root Asia Pvt. Limited, 16, Avishkar, Mahant Road, Vile Parle East, Mumbai-400057 and which is assigned the approval mark IND/13/2003/566;



The model is a Multi Product Fuel Dispenser with maximum flow rate of 50 litre/minute and minimum flow rate of 5 litre/minute. The maximum measured quantity is 5 litres. The maximum unit price is indicated on a digital display of 4 digits and maximum price to pay indicated on 6 digit display.

[F. No. WM-21(143)/2003]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 3 सितम्बर, 2004

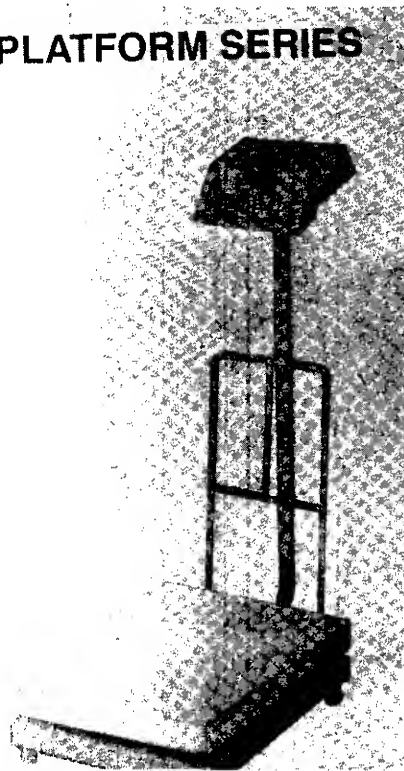
का.आ. 2463.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स समसंग इलेक्ट्रॉनिक्स, 467बी, डॉ. पी आर पाटिल रोड, सांगली-416416, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एसएसपी" शृंखला के स्वतःसूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "समसंग" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/2003/304 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृतमापी भार सेल आधारित प्रकार का अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबन्दी की जाती है।

### PLATFORM SERIES



और, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के इस अनुमोदन प्रमाणपत्र के अंतर्गत उसी शृंखला के उसी मेक, यथार्थता और कार्यपालन वाले ऐसे तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. से अधिक और 300 कि.ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की अधिकतम संख्या 5 ग्रा. या अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में है तथा जिनका "ई" मान  $1 \times 10^3$ ,  $2 \times 10^3$  या  $5 \times 10^3$  के हैं, जिसमें के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा.सं. डब्ल्यू एम-21(151)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd September, 2004

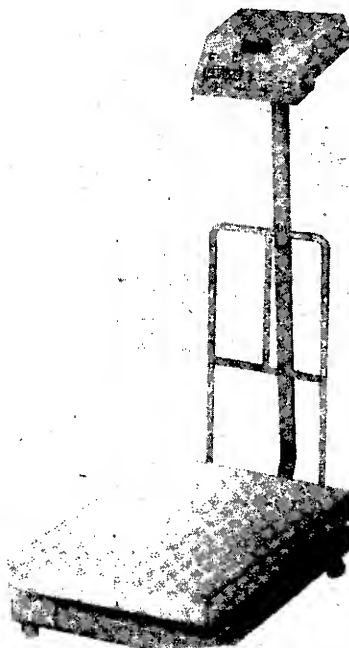
**S.O. 2463 .—**Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "SSP" series of medium accuracy (accuracy class-III) and with brand name "SAMSUNG" (hereafter referred to as the Model), manufactured by M/s.Samsung Electronics, 467B, Dr. P. R. Patil Road, Sangali-416416, Maharashtra, and which is assigned the approval mark IND/09/2003/304;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 100 kg. and minimum capacity of 200 g. The verification scale interval (e) is 10g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instruments operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also done to prevent the opening of the machine for fraudulent practices.

## PLATFORM SERIES



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 300 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the approved Model has been manufactured.

[F. No. WM-21(151)/2002]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

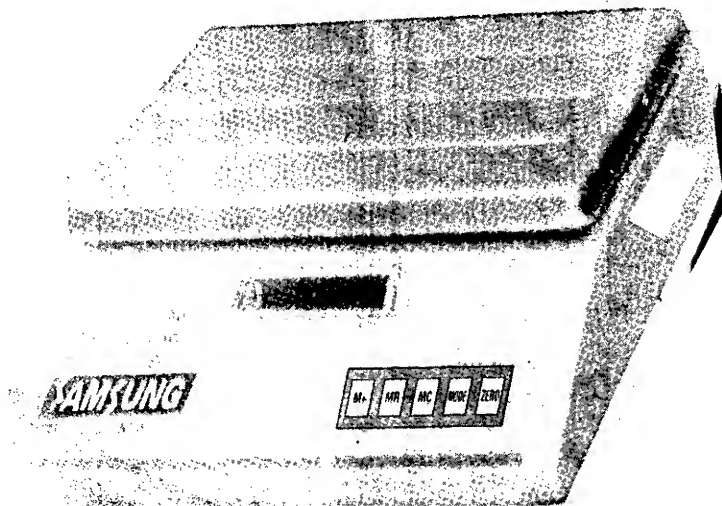
नई दिल्ली, 3 सितम्बर, 2004

का.आ. 2464.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और मापमानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स समसुंग इलेक्ट्रॉनिक्स, 467बी, डॉ. पी आर पाटिल रोड, सांगली-416416, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस एस टी" श्रृंखला के स्वतःसूचक, अस्वचालित, अंकक सूचन सहित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "समसुंग" है। जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है। और जिसे अनुमोदन चिह्न आई एन डी/09/2003/303 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृतमापी भार सेल आधारित प्रकार का अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) है। इसकी अधिकतम क्षमता 15 कि.ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील बन्द करने के अतिरिक्त, कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबन्दी की जाती है।



और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी श्रृंखला के उसी मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जिनकी अधिकतम क्षमता 50 कि. ग्रा. तक है और जिनका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से विनिर्मित जिससे अनुमोदित मॉडल का विनिर्माण किया गया है, और जिनके सत्यापन मापमान अन्तराल (एन) की संख्या 100 मि. मी. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में है और 5 ग्रा. या अधिक के "ई" मान के लिए 500 से 10,000 की रेंज में है तथा जिनका "ई" मान  $1 \times 10^{-6}$ ,  $2 \times 10^{-6}$  या  $5 \times 10^{-6}$  के हैं, जिसमें के घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(151)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 3rd September, 2004

**S.O. 2464.**—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the self indicating, non-automatic (Table top type) weighing instrument with digital indication of "SST" series of medium accuracy (accuracy class-III) and with brand name "SAMSUNG" (herein referred to as the Model), manufactured by M/s Samsung Electronics, 467B, Dr. P.R Patil Road, Sangali- 416416, Maharashtra, and which is assigned the approval mark IND/09/2003/303;

The said Model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 15kg and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing is also done to prevent stop the opening of the machine for fraudulent practices.



Further, in exercise of the power conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 10000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10000 for 'e' value of 5g or more and with 'e' value of  $1 \times 10^k$ ,  $2 \times 10^k$  or  $5 \times 10^k$ , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the approved Model has been manufactured.

[F.No. WM.21(151)/2002]

P.A KRISHNAMOORTHY, Director, Legal metrology

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 28 सितम्बर, 2004

का. आ. 2465.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी और भारत के राजपत्र में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का० आ० 1259 तारीख 26 मई, 2004 द्वारा उड़ीसा राज्य में पारादीप से पश्चिमी बंगाल राज्य में हल्दिया तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा कच्चे तेल के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन हेतु उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ।

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 29 जून, 2004 को उपलब्ध करा दी गई थी ।

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ।

और, केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना है ।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, घोषणा करती है कि इस अधिसूचना की अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार पाइपलाइन् बिछाए जाने हेतु अर्जित किया जाता है ।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की वजाय सभी पितृसंगमों से गुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा ।

## अनुसूची

पुलिस थाना : नन्दकुमार		जिला : पूर्व मिदनापुर		राज्य : पश्चिमी बंगाल	
गाँव का नाम	अधिकारिता सूचि संख्या	प्लॉट संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
जलपाई	70	5076	00	01	44
		5077	00	00	20
		5078	00	00	20
		5081	00	06	77
		5082	00	00	90
		5091	00	16	11
		5092	00	03	50
		5093	00	04	93
		5096	00	02	61
		5098	00	07	26
		5099	00	01	61
		5101	00	00	20
		5102	00	02	26
		5103	00	00	20
		5104	00	00	20
		5107	00	00	57
		5283	00	09	71
		5284	00	11	73
		5285	00	06	50
		5286	00	00	99
		5287	00	01	65
		5294	00	00	20
		5295	00	06	32
		5307	00	00	69
		5337	00	15	56
		5347	00	05	62
		5349	00	00	79
		5350	00	06	47
		5351	00	03	39
		5352	00	00	96
		5369	00	01	62
		5371	00	00	98
		5372	00	06	02
		5431	00	01	46
		5501	00	07	19
		5502	00	09	86
		5503	00	02	66
		5504	00	01	01
		5507	00	03	28
		5537	00	04	88
		5538	00	01	15
		5652	00	00	60
		5653	00	03	17
		5654	00	07	21
		5657	00	02	12
		5658	00	02	86
		5865	00	02	15

(1)	(2)	(3)	(4)	(5)	(6)
		5866	00	00	20
		5867	00	06	11
		5868	00	01	94
		5869	00	00	64
		5871	00	00	25
		5880	00	11	38
		5881	00	12	92
		5882	00	00	46
		5883	00	09	85
		5884	00	00	20
		5906	00	03	04
		5911	00	01	11
		5913	00	10	61
		5914	00	03	37
		5915	00	00	34
		5916	00	00	20
		5923	00	02	21
		5924	00	01	88
		5925	00	02	91
		5926	00	11	69
		5927	00	01	01
		6325	00	03	03
		6796	00	10	77
		6797	00	00	20
		6799	00	00	69
		6800	00	03	87
		6801	00	08	90
		6802	00	01	59
		6803	00	00	92
		6804	00	01	33
		6806	00	16	55
		5075/10010	00	13	87
		5370/10012	00	03	21
		5502/10022	00	02	24
		5537/10024	00	01	35
		5283/10035	00	01	48
		6841	00	02	13
		6853	00	03	38
		6854	00	09	57
		6855	00	01	57
		6856	00	00	20
		6860	00	24	13
		6863	00	14	12
		6869	00	01	78
		6871	00	02	80
शीतलपुर	71	22	00	00	63
		432	00	00	20
		433	00	00	45
		434	00	01	00



(1)	(2)	(3)	(4)	(5)	(6)
		436	00	05	41
		437	00	10	78
		445	00	01	88
		446	00	02	52
		447	00	07	03
		448	00	03	52
		459	00	01	37
		460	00	04	33
		461	00	08	56
		462	00	00	20
		466	00	11	01
		468	00	08	17
		876	00	01	96
		877	00	01	16
		878	00	01	96
		879	00	00	84
		880	00	00	20
		881	00	14	91
		890	00	00	90
		903	00	06	72
		904	00	39	58
		905	00	01	68
		908	00	08	64
		917	00	07	17
		922	00	05	20
		925	00	00	40
		926	00	03	26
		927	00	03	19
		928	00	02	34
		940	00	00	55
		941	00	09	08
		942	00	06	94
		944	00	04	32
		945	00	05	50
		946	00	04	74
		965	00	12	55
		967	00	00	20
		970	00	01	08
		971	00	03	71
		972	00	00	59
		973	00	03	08
		974	00	01	84
		975	00	04	77
		976	00	04	06
		1035	00	01	64
		1053	00	04	25
		1055	00	01	31
		1489	00	08	05
		1490	00	06	29
		1491	00	02	39
		1492	00	02	25

(1)	(2)	(3)	(4)	(5)	(6)
		1493	00	02	03
		1501	00	00	38
		1945	00	00	20
		1946	00	03	34
		1947	00	00	89
		1959	00	01	46
		1968	00	01	65
		1969	00	03	57
		1970	00	01	02
		1980	00	04	59
		1981	00	00	76
		1986	00	05	25
		1988	00	00	23
		2011	00	02	16
		2012	00	01	15
		2013	00	01	46
		2014	00	05	32
		2015	00	00	20
		2036	00	00	53
		2037	00	03	11
		2038	00	02	76
		2039	00	01	68
		2047	00	09	93
		2049	00	02	44
		2050	00	06	89
		2051	00	06	73
		2052	00	00	30
		2064	00	00	98
		2065	00	14	85
		2071	00	00	96
		2076	00	11	49
		2087	00	07	62
		2088	00	00	31
		2089	00	00	20
		1946/3897	00	01	97
		1947/3909	00	02	13
		1947/3910	00	02	96
		2006/3920	00	02	80
		917/3966	00	09	17
		2510	00	00	20
		2511	00	05	79
		2512	00	01	46
		2513	00	01	95
		2516	00	08	09
		2521	00	03	67
		2522	00	01	89
		2523	00	00	20
		2526	00	00	20
		2546	00	00	96
		2557	00	00	20
		2558	00	04	54

(1)	(2)	(3)	(4)	(5)	(6)
		2559	00	02	71
		2560	00	02	21
		2561	00	00	44
		2562	00	02	40
		2563	00	02	38
		2564	00	01	60
		2566	00	00	20
		2570	00	01	76
		2584	00	06	80
		2585	00	06	15
		2586	00	01	37
		2593	00	00	20
		2594	00	05	54
		2595	00	02	04
		2596	00	00	49
		2521/4142	00	00	20
		2564/4137	00	00	20
		2593/4139	00	02	57
भवानीपुर	73	1671	00	04	59
		1707	00	02	26
		1708	00	06	62
		1709	00	16	51
		1710	00	01	13
		1712	00	02	95
		1713	00	02	86
		1717	00	03	01
		1718	00	01	05
		1724	00	13	25
		1725	00	00	43
		1726	00	00	50
		1732	00	01	68
<hr/>					
पुलिस थाना - चण्डीपुर					
सुलतान पुर	75	199	00	00	77
		200	00	01	94
		201	00	01	03
		202	00	00	80
		203	00	02	58
		204	00	03	47
		206	00	00	20
		207	00	05	00
		208	00	02	89
		219	00	04	77
		220	00	04	50
		221	00	00	20
		222	00	01	32
		224	00	04	65

(1)	(2)	(3)	(4)	(5)	(6)
		225	00	03	87
		227	00	03	06
		228	00	04	35
		229	00	01	26
		235	00	00	20
		236	00	07	51
		237	00	08	43
		268	00	00	98
		269	00	00	20
		270	00	05	92
		271	00	01	88
		272	00	00	73
		273	00	02	64
		274	00	07	31
		275	00	06	96
		314	00	00	20
		315	00	03	38
		316	00	06	53
		317	00	03	67
		318	00	08	49
		968	00	00	20
		970	00	09	48
		971	00	00	20
		974	00	08	22
		975	00	09	75
		980	00	00	20
		981	00	02	44
		427/1856	00	00	78
		976/1892	00	00	20
		1042	00	01	24
		1070	00	05	84
		1071	00	06	84
		1073	00	00	45
		1074	00	07	84
		1075	00	00	05
		1092	00	00	03
		1093	00	02	49
		1094	00	00	18
		1095	00	07	75
		1096	00	07	03
		1116	00	04	06
		1178	00	05	87
		1185	00	04	45
		1186	00	06	83
		1188	00	09	92
		1198	00	10	19
		1199	00	05	94
		1211	00	00	20
		1278	00	01	05
		1279	00	05	06
		1280	00	06	07

( 1 )	( 2 )	( 3 )	( 4 )	( 5 )	( 6 )
		1281	00	00	20
		1282	00	00	20
		1283	00	05	03
		1284	00	01	91
		1285	00	02	34
		1286	00	02	54
		1303	00	02	85
		1304	00	03	19
		1305	00	06	01
		1306	00	02	26
		1511	00	04	76
		1514	00	00	02
		1515	00	03	36
		1516	00	02	22
		1518	00	03	93
		1519	00	03	69
		1520	00	07	23
		1521	00	05	30
		1522	00	05	65
		1523	00	00	30
		1526	00	00	40
		1590	00	08	34
		1591	00	12	44
		1592	00	12	25
		1593	00	06	05
		1595	00	00	51
		1651	00	09	58
		1653	00	00	96
		1654	00	05	18
		1655	00	01	06
		1656	00	07	84
		1657	00	03	62
		1658	00	05	34
		1659	00	04	31
		1650/1928	00	01	64
वारवाँकी	74	53	00	00	74
		61	00	09	54
		63	00	04	90
		64	00	08	10
		65	00	05	00
		66	00	08	92
		67	00	09	13
		102	00	05	25
		103	00	00	51
		104	00	00	41
		105	00	05	68
		106	00	01	74
		111	00	03	86
		112	00	08	07
		115	00	03	87

1	2	3	4	5	6
		116	00	00	57
		255	00	07	27
		256	00	04	33
		269	00	12	82
		270	00	01	07
		284	00	09	05
		285	00	01	58
		286	00	00	36
		290	00	03	15
		291	00	04	16
		292	00	04	97
		299	00	02	69
		300	00	02	15
		303	00	06	98
		304	00	07	09
		310	00	03	40
		311	00	03	96
		315	00	04	54
		316	00	00	44
		320	00	04	73
		321	00	05	03
		322	00	08	48
		323	00	00	20
		325	00	04	15
		343	00	04	09
		325/731	00	01	00
		326/727	00	04	49
गोमुठा	73	434	00	00	36
		436	00	12	41
		437	00	01	70
		438	00	11	16
		439	00	01	02
		514	00	00	20
		515	00	00	23
		525	00	06	18
		526	00	05	59
		527	00	05	73
		530	00	09	55
		531	00	04	31
		539	00	00	20
		550	00	01	21
		551	00	01	11
		552	00	01	83
		554	00	02	28
		555	00	00	20
		556	00	03	58
		557	00	00	71
		561	00	02	33
		562	00	02	52

( 1 )	( 2 )	( 3 )	( 4 )	( 5 )	( 6 )
		565	00	02	91
		566	00	00	46
		567	00	00	20
		569	00	00	20
		602	00	03	24
		652	00	01	36
		724	00	03	74
		725	00	06	45
		741	00	01	57
		752	00	00	20
		753	00	03	43
		754	00	06	09
		755	00	01	81
		757	00	00	20
		758	00	02	07
		759	00	02	41
		760	00	02	12
		761	00	02	42
		762	00	00	26
		763	00	01	26
		764	00	02	14
		765	00	00	96
		775	00	16	30
		778	00	00	63
		779	00	04	53
		780	00	03	31
		781	00	00	20
		783	00	05	06
		784	00	00	78
		786	00	00	20
		970	00	00	15
		971	00	04	56
		973	00	00	35
		974	00	08	67
		975	00	08	33
		976	00	00	20
		979	00	01	03
		1055	00	00	20
		1057	00	11	14
		1059	00	03	81
		1060	00	05	14
		1061	00	05	84
		1062	00	01	18
		1066	00	00	82
		1078	00	00	20
		1079	00	02	43
		1080	00	00	07
		1083	00	03	16
		1084	00	00	83
		1086	00	00	20
		1091	00	01	23

(1)	(2)	(3)	(4)	(5)	(6)
		1092	00	03	34
		1093	00	00	20
		1094	00	04	19
		1095	00	00	20
		1117	00	00	94
		1161	00	05	17
		1162	00	00	24
		1163	00	00	20
		1165	00	08	98
		1166	00	03	13
		1167	00	00	33
		1195	00	00	65
		1198	00	00	39
		1199	00	04	29
		1200	00	01	28
		1201	00	04	42
		1218	00	00	20
		1219	00	05	17
		1220	00	08	00
		1228	00	01	01
		1236	00	07	01
		1237	00	01	89
		1239	00	02	99
		1240	00	00	20
		1241	00	00	20
		1242	00	00	35
		1243	00	00	91
		1244	00	01	11
		1245	00	01	79
		1246	00	00	20
		1247	00	00	14
		1251	00	09	36
		1252	00	00	74
		1749	00	01	36
		1863	00	01	74
राशिपुर	92	416	00	00	20
		417	00	00	38
		426	00	00	20
		427	00	03	63
		429	00	07	95
		433	00	07	00
		434	00	02	44
		435	00	01	01
		436	00	11	48
		437	00	03	33
		438	00	07	00
		454	00	00	20
		455	00	07	51
		456	00	15	57



(1)	(2)	(3)	(4)	(5)	(6)
		457	00	00	72
		458	00	02	46
		26/2250	00	00	57
		456/2256	00	01	61
		456/2361	00	04	13
		539	00	00	79
		713	00	01	29
		714	00	04	06
		723	00	03	79
		724	00	08	46
		727	00	02	59
		728	00	01	04
		729	00	00	20
		731	00	09	96
		732	00	04	70
		733	00	01	01
		734	00	02	86
		735	00	03	47
		736	00	13	53
		737	00	04	99
		740	00	03	49
		741	00	01	44
		742	00	01	77
		745	00	01	04
		779	00	00	40
		780	00	00	20
		784	00	00	35
		785	00	00	20
		788	00	01	42
		789	00	03	71
		790	00	02	51
		792	00	06	35
		1710	00	01	31
		1712	00	00	97
		1713	00	12	76
		1717	00	01	64
		1718	00	01	80
		1719	00	00	23
		1720	00	04	29
		1721	00	01	28
		1722	00	01	14
		1723	00	02	14
		1724	00	02	91
		1726	00	00	20
		1725	00	00	65
		1729	00	01	30
		1751	00	05	75
		1752	00	00	20
		1755	00	00	77
		1759	00	01	25
		1768	00	00	62

(1)	(2)	(3)	(4)	(5)	(6)
		1769	00	02	07
		1770	00	04	90
		1771	00	00	69
		1772	00	04	80
		1773	00	00	20
		1774	00	00	20
		1775	00	00	32
		1776	00	03	64
		1777	00	00	20
		1778	00	03	88
		1779	00	01	33
		1809	00	00	20
		1811	00	05	09
		1812	00	00	20
		1839	00	00	20
		1840	00	05	70
		1841	00	00	20
		1843	00	01	54
		1844	00	02	90
		1845	00	01	93
		1846	00	01	42
		1847	00	01	31
		1848	00	00	20
		1849	00	00	44
		1868	00	01	05
		1869	00	00	20
		1879	00	00	80
		1880	00	00	20
		1881	00	02	21
		1882	00	01	30
		1883	00	01	16
		1884	00	03	50
		1885	00	01	81
		1886	00	00	98
		1903	00	01	56
		1904	00	00	20
		1981	00	00	20
		1985	00	00	41
		1986	00	03	68
		1987	00	02	07
		1989	00	00	26
		1990	00	10	10
		1991	00	02	78
		1992	00	07	68
		1993	00	00	20
		1996	00	05	64
		1997	00	00	33
		1998	00	01	48
		1999	00	01	24
		2000	00	01	53
		1812/2264	00	00	20

( 1 )	( 2 )	( 3 )	( 4 )	( 5 )	( 6 )
दामोदरपुर	93	309	00	00	20
		310	00	02	25
		311	00	01	21
		312	00	01	51
		313	00	01	60
		323	00	00	43
		324	00	01	55
		341	00	00	20
		358	00	01	33
		359	00	00	63
		362	00	00	20
		363	00	00	85
		364	00	06	35
		365	00	00	20
		367	00	15	63
		369	00	01	01
		370	00	01	84
		371	00	04	51
		385	00	04	68
		386	00	01	38
		387	00	04	74
		388	00	01	61
		389	00	05	31
		415	00	00	69
		418	00	09	81
		419	00	00	33
		421	00	02	42
		422	00	05	29
		424	00	01	29
		425	00	10	72
		435	00	01	79
		937	00	00	69
		1197	00	14	35
		1198	00	00	54
		1228	00	00	79
		1229	00	11	12
		1230	00	03	32
		1231	00	01	46
		1233	00	00	48
		1234	00	03	19
		1235	00	14	08
		1236	00	00	35
		1239	00	14	46
		1240	00	01	38
		1277	00	06	57
		1278	00	14	75
		1282	00	06	57
		1284	00	00	20
		1285	00	02	59
		1286	00	07	68

(1)	(2)	(3)	(4)	(5)	(6)
		1287	00	12	57
		1288	00	06	22
		1289	00	00	20
		1317	00	01	15
		1346	00	00	28
		1347	00	09	61
		1348	00	07	54
		1349	00	06	43
		1357	00	15	44
		1358	00	06	59
		1359	00	00	33
		1360	00	06	14
		1387	00	00	23
		1388	00	00	20
		1389	00	00	20
		1394	00	01	28
		1395	00	00	20
		1659	00	00	60
		1229/1653	00	01	91
		1278/1701	00	00	22
युरुरि	94	23	00	02	66
		24	00	00	40
		28	00	00	72
		31	00	04	86
		33	00	03	39
		34	00	01	74
		42	00	01	77
		43	00	07	65
		94	00	00	39
		105	00	02	99
		106	00	07	07
		107	00	05	30
		108	00	04	22
		109	00	10	14
		110	00	00	20
		170	00	00	57
		171	00	09	05
		172	00	05	60
		173	00	05	88
		174	00	01	61
		183	00	05	85
		184	00	04	87
		187	00	04	56
		498	00	01	89
		499	00	00	98
		500	00	00	30
		501	00	03	42
		502	00	02	90
		699	00	00	83

(1)	(2)	(3)	(4)	(5)	(6)
		502/766	00	02	41
गाजीपुर	48	65	00	00	23
		119	00	02	19
		121	00	05	76
		124	00	00	34
		198	00	00	50
		213	00	27	94
		219	00	25	77
		320	00	01	04
		321	00	00	99
		322	00	01	09
		324	00	02	72
		325	00	01	75
		326	00	04	74
		327	00	00	20
		406	00	02	24
		407	00	10	49
		416	00	00	66
		417	00	02	24
		420	00	11	67
		421	00	04	39
		426	00	03	16
		439	00	00	20
		440	00	07	97
		447	00	17	07
		448	00	00	58
		455	00	02	77
		456	00	01	67
		457	00	00	20
		464	00	00	48
		465	00	00	45
		466	00	09	95
		469	00	00	53
		470	00	02	01
		473	00	00	20
		474	00	01	15
		475	00	03	71
		477	00	00	20
		478	00	14	53
		491	00	00	87
		492	00	00	38
		493	00	04	66
		496	00	12	16
		497	00	00	51
		510	00	00	31
		511	00	03	36
		512	00	00	49
		513	00	00	57
		514	00	01	17
		319/753	00	00	26

(1)	(2)	(3)	(4)	(5)	(6)
		465/755	00	09	20
		477/757	00	03	36
		119/771	00	01	71
		323/797	00	00	94
		407/811	00	02	32
		513/819	00	01	44
		513/820	00	00	88
		513/821	00	02	43
दीक्षणी	47	1	00	02	38
		5	00	00	47
		6	00	09	92
		7	00	03	29
		13	00	01	83
		994	00	00	41
भगवानखाली (भाग II)	36	291	00	04	43
		292	00	02	79
		293	00	00	28
		294	00	00	76
		295	00	03	64
		296	00	06	14
		297	00	03	36
		298	00	01	05
		299	00	03	03
		783	00	00	20
		794	00	00	90
		795	00	02	29
		796	00	01	45
		797	00	01	43
		798	00	03	57
		799	00	05	83
		801	00	01	18
		802	00	00	46
		803	00	00	49
		816	00	02	35
		817	00	00	20
		818	00	03	55
		819	00	01	08
		820	00	03	79
		824	00	02	82
		825	00	03	78
		826	00	00	20
		827	00	00	88
		828	00	01	21
		829	00	02	37
		830	00	11	93
		835	00	00	38
		836	00	05	56
		840	00	01	13
		841	00	08	22

(1)	(2)	(3)	(4)	(5)	(6)
		842	00	02	45
		843	00	04	26
		844	00	01	77
		845	00	02	20
		846	00	00	20
		847	00	00	20
		848	00	03	00
		849	00	03	06
		850	00	01	20
		852	00	02	29
		853	00	10	79
		854	00	00	37
		867	00	00	20
		873	00	03	97
		990	00	01	29
		873/1012	00	00	20
		873/1083	00	02	66
		878/1085	00	04	52
		986/1104	00	05	75
		986/1105	00	00	21
विशालचक	37	2	00	09	48
		17	00	00	20
		18	00	02	45
		20	00	01	94
		21	00	02	45
		22	00	01	47
		25	00	00	89
		27	00	04	04
		28	00	02	15
		49	00	00	20
		50	00	01	68
		59	00	02	42
		60	00	02	28
		61	00	03	46
		63	00	03	69
		64	00	03	65
		65	00	13	23
		71	00	00	20
		81	00	04	05
		83	00	02	50
		84	00	04	24
		85	00	01	47
		92	00	08	16
		93	00	02	12
		94	00	02	95
		95	00	03	12
		96	00	01	64
		107	00	03	06
		108	00	09	07
		109	00	02	94

(1)	(2)	(3)	(4)	(5)	(6)
		110	00	00	52
		111	00	04	05
		112	00	01	63
		113	00	05	88
		114	00	01	94
		115	00	02	84
		133	00	01	04
		146	00	01	23
		147	00	02	04
		148	00	00	20
		169	00	00	20
		171	00	09	22
		173	00	03	99
		174	00	01	68
		175	00	04	34
		176	00	04	22
		177	00	03	04
		181	00	05	31
		182	00	00	20
		183	00	03	66
		185	00	01	48
		186	00	04	16
		187	00	01	60
		192	00	03	70
		193	00	01	02
		238	00	04	22
		255	00	00	60
भगवानखाली (भाग-I)	38	40	00	03	12
		73	00	03	42
		76	00	05	14
		77	00	00	27
		79	00	03	22
		80	00	00	56
		81	00	00	13
		82	00	01	16
		83	00	01	67
		84	00	00	20
		87	00	02	73
		88	00	02	53
		89	00	06	36
		90	00	06	40
		91	00	02	56
		92	00	00	20
		78/759	00	00	63

पुलिस थाना - भुपतिनगर

वजयनगर	326	1409	00	04	48
		1410	00	12	06



(1)	(2)	(3)	(4)	(5)	(6)
		1417	00	00	20
		1420	00	03	35
		1421	00	04	80
		1422	00	00	20
		1424	00	00	65
		1426	00	03	95
		1450	00	22	48
		1451	00	06	10
		1452	00	09	22
		1453	00	03	97
		1454	00	08	64
		1528	00	00	95
		1556	00	10	14
		1557	00	15	53
		1558	00	00	23
		1563	00	00	20
		1564	00	02	73
		1565	00	02	21
		1566	00	00	20
		1572	00	00	49
		1573	00	00	09
		1743	00	05	23
		1746	00	04	27
		1747	00	03	44
		1748	00	00	67
		1750	00	00	20
		1758	00	10	69
		1787	00	01	83
		1821	00	04	72
		1822	00	06	35
		1823	00	04	74
		1832	00	02	68
		1833	00	00	20
		1864	00	00	20
		1865	00	00	77
		1866	00	01	83
		1880	00	09	25
		1881	00	08	58
		1905	00	10	04
		1906	00	07	25
		1908	00	08	74
		1909	00	10	49
		1934	00	00	72
		1942	00	00	26
		1455/2290	00	02	54
		1456/2291	00	00	04
		1572/2318	00	11	31
		1573/2319	00	00	84
		1564/2321	00	04	08
		1564/2322	00	02	66
		1576/2326	00	15	28

(1)	(2)	(3)	(4)	(5)	(6)
		1576/2327	00	09	77
		1759/2343	00	04	37
		1759/2344	00	19	64
		1746/2352	00	13	49
		1764/2353	00	07	26
		1881/2369	00	02	66
		1881/2370	00	03	19
		1881/2371	00	00	98
		1882/2372	00	01	20
		1879/2391	00	00	20
		1879/2392	00	07	28
		1879/2393	00	10	42
		1879/2394	00	02	07
		1879/2399	00	03	73
		1879/2402	00	05	18
		1909/2403	00	00	65
डिशिमूलिया	335	491	00	17	20
		519	00	14	89
		526	00	01	03
		531	00	00	20
		532	00	03	58
		534	00	05	24
		535	00	08	79
		536	00	11	08
		550	00	11	49
		551	00	14	43
		552	00	00	32
		553	00	05	52
		554	00	00	70
		556	00	01	74
		558	00	01	45
		629	00	05	57
		631	00	08	16
		636	00	01	98
		637	00	14	54
		638	00	00	20
		643	00	08	54
		648	00	00	30
		546/674	00	00	20
		559/675	00	07	27
		637/726	00	01	29
		670/734	00	02	45
		614/794	00	03	33
		532/691	00	20	84
		632/801	00	00	56
		643/803	00	02	62
		550/673	00	00	75
दक्षिण बरोज (भाग II)	333	339	00	02	86

(1)	(2)	(3)	(4)	(5)	(6)
		345	00	00	20
		355	00	05	95
		356	00	07	30
		359	00	06	90
		360	00	01	25
		361	00	00	85
		362	00	01	52
		363	00	21	55
		364	00	07	17
		365	00	16	56
		371	00	00	20
		375	00	00	49
		376	00	05	74
		377	00	00	20
		378	00	04	93
		381	00	00	20
		382	00	05	99
		383	00	08	35
		384	00	08	66
		385	00	10	01
		355/901	00	02	26
		380/941	00	00	20
शिगुलबारी	331	2	00	03	37
		4	00	01	20
		5	00	02	35
		18	00	10	97
		22	00	01	82
		23	00	09	95
		71	00	00	20
		72	00	08	33
		78	00	00	88
		79	00	02	78
		81	00	05	21
		82	00	07	83
		86	00	02	46
		120	00	00	29
		470	00	02	26
		72/959	00	03	75
दक्षिण बरोज (भाग- I)	332	25	00	00	20
		28	00	00	22
		29	00	04	30
		30	00	00	20
		32	00	00	72
		33	00	02	52
		34	00	01	09
		37	00	01	71
		38	00	03	50
		39	00	02	93
		40	00	00	22

(1)	(2)	(3)	(4)	(5)	(6)
		41	00	00	61
		43	00	00	20
		60	00	06	04
		61	00	01	13
		196	00	00	50
		197	00	06	21
		198	00	04	63
		200	00	02	40
		201	00	07	83
		202	00	02	10
		207	00	00	20
		219	00	00	20
		220	00	10	88
		221	00	00	46
		222	00	04	34
		223	00	07	91
		235	00	31	63
		245	00	01	38
		246	00	00	89
		247	00	01	66
		3/259	00	04	23
		128/271	00	01	44
बिरिबारी	242	514	00	02	95
		516	00	00	20
		518	00	00	20
		528	00	04	23
		529	00	00	20
		531	00	02	41
		532	00	04	63
		533	00	09	44
		535	00	05	00
		536	00	02	44
		537	00	00	73
		541	00	02	29
		542	00	11	79
		543	00	00	20
		550	00	05	78
		551	00	06	86
		554	00	00	89
		555	00	06	28
		556	00	01	58
		558	00	00	20
		642	00	00	92
		649	00	01	02
		650	00	11	05
		652	00	14	35
		664	00	13	70
		665	00	06	08
		666	00	08	50
		668	00	07	54

(1)	(2)	(3)	(4)	(5)	(6)
		729	00	01	38
		558/922	00	02	29
जूखिया	240	2001	00	01	45
		2256	00	00	20
		2257	00	02	88
		2258	00	01	09
		2259	00	06	91
		2266	00	05	38
		2267	00	00	20
		2268	00	00	60
		2269	00	00	20
		2273	00	00	38
		2274	00	20	84
		2279	00	06	99
		2317	00	00	89
		2567	00	06	92
		2568	00	04	24
		2569	00	02	32
		2577	00	08	13
		2578	00	06	09
		2585	00	02	26
		2586	00	07	62
		2592	00	03	21
		2593	00	06	20
		2596	00	10	19
		2597	00	03	10
		2598	00	00	75
		2599	00	08	46
		2601	00	00	87
		2608	00	09	19
		2670	00	01	04
		2671	00	05	30
		2672	00	01	04
		2673	00	00	90
		2677	00	12	92
		2678	00	00	71
		2679	00	00	20
		2680	00	13	03
		2687	00	00	91
		2832	00	01	81
		2256/3321	00	04	50
		2256/3331	00	04	11
ईक्षुपत्रिका	225	1525	00	00	97
		1774	00	00	40
		1776	00	04	20
		1788	00	04	80
		1789	00	08	43
		1790	00	07	71

(1)	(2)	(3)	(4)	(5)	(6)
		1814	00	12	43
		1818	00	00	20
		1820	00	07	23
		1821	00	00	20
		1822	00	12	77
		1823	00	01	59
		1829	00	10	86
		1830	00	01	15
		1831	00	00	20
		1840	00	00	20
		1845	00	06	43
		1846	00	08	49
		1847	00	08	09
		1848	00	02	97
		1849	00	02	54
		1850	00	06	96
		1851	00	07	22
		1853	00	08	22
		1854	00	04	25
		1858	00	02	14
		1859	00	04	66
		1860	00	01	82
		1862	00	05	66
		1863	00	03	40
		1893	00	01	32
		1900	00	10	21
		1905	00	05	03
		1906	00	00	20
		1907	00	00	20
		1908	00	01	45
		1918	00	00	70
		2008	00	00	96
शदुल्यावक	229	39	00	04	34
		71	00	06	02
		72	00	01	71
		73	00	00	84
		81	00	00	73
		82	00	00	20
		83	00	01	14
		84	00	02	35
		87	00	03	67
		88	00	02	14
		89	00	00	20
		91	00	00	20
		214	00	00	77
		442	00	10	60
		443	00	02	24
		444	00	07	60
		445	00	02	98
		446	00	01	55

(1)	(2)	(3)	(4)	(5)	(6)
		447	00	00	32
		459	00	08	47
		460	00	00	26
		465	00	06	54
		466	00	08	02
		580	00	00	66
		71/833	00	03	70
		82/834	00	00	91
फकिरचक	228	63	00	00	44
		127	00	01	23
		129	00	22	38
		131	00	10	79
		132	00	02	14
		133	00	14	18
		135	00	00	30
		150	00	00	20
		151	00	08	06
		152	00	01	30
		154	00	06	24
		155	00	08	22
		156	00	07	03
		157	00	00	50
		227	00	00	41
		129/279	00	00	20

[फा. सं. आर-25011/10/2004-ओ.आर-1]

रेणुका कुमार, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 28th September, 2004

**S. O. 2465.**—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India vide S.O. No. 1259 dated the 26<sup>th</sup> May, 2004, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in land specified in the Schedule appended to that notification for the purpose of laying pipeline for the transportation of crude oil from Paradip in the State of Orissa to Haldia in the State of West Bengal by the Indian Oil Corporation Limited.

And whereas, the copies of the said gazette notification were made available to the public on 29<sup>th</sup> June, 2004;

And whereas, the Competent Authority in pursuance of sub-section (1) of Section 6 of the said Act, has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report, is satisfied that the right of user in the land specified in the schedule appended to this notification should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipelines.

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vests, from the date of publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

## Schedule

Police Station : Nandakumar		District : Purba Midnapur		State : West-Bengal	
Name of Village	Jurisdiction List No.	Plot. No.	Area		
			Hectare	Are	Square Metre
( 1 )	( 2 )	( 3 )	( 4 )	( 5 )	( 6 )
Jalpai	70	5076	00	01	44
		5077	00	00	20
		5078	00	00	20
		5081	00	06	77
		5082	00	00	90
		5091	00	16	11
		5092	00	03	50
		5093	00	04	93
		5096	00	02	61
		5098	00	07	26
		5099	00	01	61
		5101	00	00	20
		5102	00	02	26
		5103	00	00	20
		5104	00	00	20
		5107	00	00	57
		5283	00	09	71
		5284	00	11	73
		5285	00	06	50
		5286	00	00	99
		5287	00	01	65
		5294	00	00	20
		5295	00	06	32
		5307	00	00	69
		5337	00	15	56
		5347	00	05	62
		5349	00	00	79
		5350	00	06	47
		5351	00	03	39
		5352	00	00	96
		5369	00	01	62
		5371	00	00	98
		5372	00	06	02
		5431	00	01	46
		5501	00	07	19
		5502	00	09	86
		5503	00	02	66
		5504	00	01	01
		5507	00	03	28
		5537	00	04	88
		5538	00	01	15
		5652	00	00	60
		5653	00	03	17
		5654	00	07	21
		5657	00	02	12
		5658	00	02	86
		5865	00	02	15



( 1 )	( 2 )	( 3 )	( 4 )	( 5 )	( 6 )
		5866	00	00	20
		5867	00	06	11
		5868	00	01	94
		5869	00	00	64
		5871	00	00	25
		5880	00	11	38
		5881	00	12	92
		5882	00	00	46
		5883	00	09	85
		5884	00	00	20
		5906	00	03	04
		5911	00	01	11
		5913	00	10	61
		5914	00	03	37
		5915	00	00	34
		5916	00	00	20
		5923	00	02	21
		5924	00	01	88
		5925	00	02	91
		5926	00	11	69
		5927	00	01	01
		6325	00	03	03
		6796	00	10	77
		6797	00	00	20
		6799	00	00	69
		6800	00	03	87
		6801	00	08	90
		6802	00	01	59
		6803	00	00	92
		6804	00	01	33
		6806	00	16	55
		5075/10010	00	13	87
		5370/10012	00	03	21
		5502/10022	00	02	24
		5537/10024	00	01	35
		5283/10035	00	01	48
		6841	00	02	13
		6853	00	03	38
		6854	00	09	57
		6855	00	01	57
		6856	00	00	20
		6860	00	24	13
		6863	00	14	12
		6869	00	01	78
		6871	00	02	80
Shitalpur	71	22	00	00	63
		432	00	00	20
		433	00	00	45
		434	00	01	00

(1)	(2)	(3)	(4)	(5)	(6)
		436	00	05	41
		437	00	10	78
		445	00	01	88
		446	00	02	52
		447	00	07	03
		448	00	03	52
		459	00	01	37
		460	00	04	33
		461	00	08	56
		462	00	00	20
		466	00	11	01
		468	00	08	17
		876	00	01	96
		877	00	01	16
		878	00	01	96
		879	00	00	84
		880	00	00	20
		881	00	14	91
		890	00	00	90
		903	00	06	72
		904	00	39	58
		905	00	01	68
		908	00	08	64
		917	00	07	17
		922	00	05	20
		925	00	00	40
		926	00	03	26
		927	00	03	19
		928	00	02	34
		940	00	00	55
		941	00	09	08
		942	00	06	94
		944	00	04	32
		945	00	05	50
		946	00	04	74
		965	00	12	55
		967	00	00	20
		970	00	01	08
		971	00	03	71
		972	00	00	59
		973	00	03	08
		974	00	01	84
		975	00	04	77
		976	00	04	06
		1035	00	01	64
		1053	00	04	25
		1055	00	01	31
		1489	00	08	05
		1490	00	06	29
		1491	00	02	39
		1492	00	02	25

(1)	(2)	(3)	(4)	(5)	(6)
		1493	00	02	03
		1501	00	00	38
		1945	00	00	20
		1946	00	03	34
		1947	00	00	89
		1959	00	01	46
		1968	00	01	65
		1969	00	03	57
		1970	00	01	02
		1980	00	04	59
		1981	00	00	76
		1986	00	05	25
		1988	00	00	23
		2011	00	02	16
		2012	00	01	15
		2013	00	01	46
		2014	00	05	32
		2015	00	00	20
		2036	00	00	53
		2037	00	03	11
		2038	00	02	76
		2039	00	01	68
		2047	00	09	93
		2049	00	02	44
		2050	00	06	89
		2051	00	06	73
		2052	00	00	30
		2064	00	00	98
		2065	00	14	85
		2071	00	00	96
		2076	00	11	49
		2087	00	07	62
		2088	00	00	31
		2089	00	00	20
		1946/3897	00	00	97
		1947/3909	00	02	13
		1947/3910	00	02	96
		2006/3920	00	02	80
		917/3966	00	09	17
		2510	00	00	20
		2511	00	05	79
		2512	00	01	46
		2513	00	01	95
		2516	00	08	09
		2521	00	03	67
		2522	00	01	39
		2523	00	00	20
		2526	00	00	20
		2546	00	00	96
		2557	00	00	20
		2558	00	04	54

(1)	(2)	(3)	(4)	(5)	(6)
		2559	00	02	71
		2560	00	02	21
		2561	00	00	44
		2562	00	02	40
		2563	00	02	38
		2564	00	01	60
		2566	00	00	20
		2570	00	01	76
		2584	00	06	80
		2585	00	06	15
		2586	00	01	37
		2593	00	00	20
		2594	00	05	54
		2595	00	02	04
		2596	00	00	49
		2521/4142	00	00	20
		2564/4137	00	00	20
		2593/4139	00	02	57
Bhabanipur	73	1671	00	04	59
		1707	00	02	26
		1708	00	06	62
		1709	00	16	51
		1710	00	01	13
		1712	00	02	95
		1713	00	02	86
		1717	00	03	01
		1718	00	01	05
		1724	00	13	25
		1725	00	00	43
		1726	00	00	50
		1732	00	01	68
Police Station - Chandipur					
Sultanpur	45	199	00	00	77
		200	00	01	94
		201	00	01	03
		202	00	00	80
		203	00	02	58
		204	00	03	47
		206	00	00	20
		207	00	05	00
		208	00	02	89
		219	00	04	77
		220	00	04	50
		221	00	00	20
		222	00	01	32
		224	00	04	65

(1)	(2)	(3)	(4)	(5)	(6)
		225	00	03	87
		227	00	03	06
		228	00	04	35
		229	00	01	26
		235	00	00	20
		236	00	07	51
		237	00	08	43
		268	00	00	98
		269	00	00	20
		270	00	05	92
		271	00	01	88
		272	00	00	73
		273	00	02	64
		274	00	07	31
		275	00	06	96
		314	00	00	20
		315	00	03	38
		316	00	06	53
		317	00	03	67
		318	00	08	49
		968	00	00	20
		970	00	09	48
		971	00	00	20
		974	00	08	22
		975	00	09	75
		980	00	00	20
		981	00	02	44
		427/1856	00	00	78
		976/1892	00	00	20
		1042	00	01	24
		1070	00	05	84
		1071	00	06	84
		1073	00	00	45
		1074	00	07	84
		1075	00	00	05
		1092	00	00	03
		1093	00	02	49
		1094	00	00	18
		1095	00	07	75
		1096	00	07	03
		1116	00	04	06
		1178	00	05	87
		1185	00	04	45
		1186	00	06	83
		1188	00	09	92
		1198	00	10	19
		1199	00	05	94
		1211	00	00	20
		1278	00	01	05
		1279	00	05	06
		1280	00	06	07

(1)	(2)	(3)	(4)	(5)	(6)
		1281	00	00	20
		1282	00	00	20
		1283	00	05	03
		1284	00	01	91
		1285	00	02	34
		1286	00	02	54
		1303	00	02	85
		1304	00	03	19
		1305	00	06	01
		1306	00	02	26
		1511	00	04	76
		1514	00	00	02
		1515	00	03	36
		1516	00	02	22
		1518	00	03	93
		1519	00	03	69
		1520	00	07	23
		1521	00	05	30
		1522	00	05	65
		1523	00	00	30
		1526	00	00	40
		1590	00	08	34
		1591	00	12	44
		1592	00	12	25
		1593	00	06	05
		1595	00	00	51
		1651	00	09	58
		1653	00	00	96
		1654	00	05	18
		1655	00	01	06
		1656	00	07	84
		1657	00	03	62
		1658	00	05	34
		1659	00	04	31
		1650/1928	00	01	64
Barbanki	74	53	00	00	74
		61	00	09	54
		63	00	04	90
		64	00	08	10
		65	00	05	00
		66	00	08	92
		67	00	09	13
		102	00	05	25
		103	00	00	51
		104	00	00	41
		105	00	05	68
		106	00	01	74
		111	00	03	86
		112	00	08	07
		115	00	03	87

1	2	3	4	5	6
		116	00	00	57
		255	00	07	27
		256	00	04	33
		269	00	12	82
		270	00	01	07
		284	00	09	05
		285	00	01	58
		286	00	00	36
		290	00	03	15
		291	00	04	16
		292	00	04	97
		299	00	02	69
		300	00	02	15
		303	00	06	98
		304	00	07	09
		310	00	03	40
		311	00	03	96
		315	00	04	54
		316	00	00	44
		320	00	04	73
		321	00	05	03
		322	00	08	48
		323	00	00	20
		325	00	04	15
		343	00	04	09
		325/731	00	01	00
		326/727	00	04	49
Gomutha	73	434	00	00	36
		436	00	12	41
		437	00	01	70
		438	00	11	16
		439	00	01	02
		514	00	00	20
		515	00	00	23
		525	00	06	18
		526	00	05	59
		527	00	05	73
		530	00	09	55
		531	00	04	31
		539	00	00	20
		550	00	01	21
		551	00	01	11
		552	00	01	83
		554	00	02	28
		555	00	00	20
		556	00	03	58
		557	00	00	71
		561	00	02	33
		562	00	02	52

( 1 )	( 2 )	( 3 )	( 4 )	( 5 )	( 6 )
		565	00	02	91
		566	00	00	46
		567	00	00	20
		569	00	00	20
		602	00	03	24
		652	00	01	36
		724	00	03	74
		725	00	06	45
		741	00	01	57
		752	00	00	20
		753	00	03	43
		754	00	06	09
		755	00	01	81
		757	00	00	20
		758	00	02	07
		759	00	02	41
		760	00	02	12
		761	00	02	42
		762	00	00	26
		763	00	01	26
		764	00	02	14
		765	00	00	96
		775	00	16	30
		778	00	00	63
		779	00	04	53
		780	00	03	31
		781	00	00	20
		783	00	05	06
		784	00	00	78
		786	00	00	20
		970	00	00	15
		971	00	04	56
		973	00	00	35
		974	00	08	67
		975	00	08	33
		976	00	00	20
		979	00	01	03
		1055	00	00	20
		1057	00	11	14
		1059	00	03	81
		1060	00	05	14
		1061	00	05	84
		1062	00	01	18
		1066	00	00	82
		1078	00	00	20
		1079	00	02	43
		1080	00	00	07
		1083	00	03	16
		1084	00	00	83
		1086	00	00	20
		1091	00	01	23



(1)	(2)	(3)	(4)	(5)	(6)
		1092	00	03	34
		1093	00	00	20
		1094	00	04	19
		1095	00	00	20
		1117	00	00	94
		1161	00	05	17
		1162	00	00	24
		1163	00	00	20
		1165	00	08	98
		1166	00	03	13
		1167	00	00	33
		1195	00	00	65
		1198	00	00	39
		1199	00	04	29
		1200	00	01	28
		1201	00	04	42
		1218	00	00	20
		1219	00	05	17
		1220	00	08	00
		1228	00	01	01
		1236	00	07	01
		1237	00	01	89
		1239	00	02	99
		1240	00	00	20
		1241	00	00	20
		1242	00	00	35
		1243	00	00	91
		1244	00	01	11
		1245	00	01	79
		1246	00	00	20
		1247	00	00	14
		1251	00	09	36
		1252	00	00	74
		1749	00	01	36
		1863	00	01	74
Saripur	92	416	00	00	20
		417	00	00	38
		426	00	00	20
		427	00	03	63
		429	00	07	95
		433	00	07	00
		434	00	02	44
		435	00	01	01
		436	00	11	48
		437	00	03	33
		438	00	07	00
		454	00	00	20
		455	00	07	31
		456	00	15	57

(1)	(2)	(3)	(4)	(5)	(6)
		457	00	00	72
		458	00	02	46
		26/2250	00	00	57
		456/2256	00	01	61
		456/2361	00	04	13
		539	00	00	79
		713	00	01	29
		714	00	04	06
		723	00	03	79
		724	00	08	46
		727	00	02	59
		728	00	01	04
		729	00	00	20
		731	00	09	96
		732	00	04	70
		733	00	01	01
		734	00	02	86
		735	00	03	47
		736	00	13	53
		737	00	04	99
		740	00	03	49
		741	00	01	44
		742	00	01	77
		745	00	01	04
		779	00	00	40
		780	00	00	20
		784	00	00	35
		785	00	00	20
		788	00	01	42
		789	00	03	71
		790	00	02	51
		792	00	06	35
		1710	00	01	31
		1712	00	00	97
		1713	00	12	76
		1717	00	01	64
		1718	00	01	80
		1719	00	00	23
		1720	00	04	29
		1721	00	01	28
		1722	00	01	14
		1723	00	02	14
		1724	00	02	91
		1726	00	00	20
		1725	00	00	65
		1729	00	01	30
		1751	00	05	75
		1752	00	00	20
		1755	00	00	77
		1759	00	01	25
		1768	00	00	62

( 1 )	( 2 )	( 3 )	( 4 )	( 5 )	( 6 )
		1769	00	02	07
		1770	00	04	90
		1771	00	00	69
		1772	00	04	80
		1773	00	00	20
		1774	00	00	20
		1775	00	00	32
		1776	00	03	64
		1777	00	00	20
		1778	00	03	88
		1779	00	01	33
		1809	00	00	20
		1811	00	05	09
		1812	00	00	20
		1839	00	00	20
		1840	00	05	70
		1841	00	00	20
		1843	00	01	54
		1844	00	02	90
		1845	00	01	93
		1846	00	01	42
		1847	00	01	31
		1848	00	00	20
		1849	00	00	44
		1868	00	01	05
		1869	00	00	20
		1879	00	00	80
		1880	00	00	20
		1881	00	02	21
		1882	00	01	30
		1883	00	01	16
		1884	00	03	50
		1885	00	01	81
		1886	00	00	98
		1903	00	01	56
		1904	00	00	20
		1981	00	00	20
		1985	00	00	41
		1986	00	03	68
		1987	00	02	07
		1989	00	00	26
		1990	00	10	10
		1991	00	02	78
		1992	00	07	68
		1993	00	00	20
		1996	00	05	64
		1997	00	00	33
		1998	00	01	48
		1999	00	01	24
		2000	00	01	53
		1812/2264	00	00	20

( 1 )	( 2 )	( 3 )	( 4 )	( 5 )	( 6 )
Damodarpur	93	309	00	00	20
		310	00	02	25
		311	00	01	21
		312	00	01	51
		313	00	01	60
		323	00	00	43
		324	00	01	55
		341	00	00	20
		358	00	01	33
		359	00	00	63
		362	00	00	20
		363	00	00	85
		364	00	06	35
		365	00	00	20
		367	00	15	63
		369	00	01	01
		370	00	01	84
		371	00	04	51
		385	00	04	68
		386	00	01	38
		387	00	04	74
		388	00	01	61
		389	00	05	31
		415	00	00	69
		418	00	09	81
		419	00	00	33
		421	00	02	42
		422	00	05	29
		424	00	01	29
		425	00	10	72
		435	00	01	79
		937	00	00	69
		1197	00	14	35
		1198	00	00	54
		1228	00	00	79
		1229	00	11	12
		1230	00	03	32
		1231	00	01	46
		1233	00	00	48
		1234	00	03	19
		1235	00	14	08
		1236	00	00	35
		1239	00	14	46
		1240	00	01	38
		1277	00	06	57
		1278	00	14	75
		1282	00	06	57
		1284	00	00	20
		1285	00	02	59
		1286	00	07	68

(1)	(2)	(3)	(4)	(5)	(6)
		1287	00	12	57
		1288	00	06	22
		1289	00	00	20
		1317	00	01	15
		1346	00	00	28
		1347	00	09	61
		1348	00	07	54
		1349	00	06	43
		1357	00	15	44
		1358	00	06	59
		1359	00	00	33
		1360	00	06	14
		1387	00	00	23
		1388	00	00	20
		1389	00	00	20
		1394	00	01	28
		1395	00	00	20
		1659	00	00	60
		1229/1653	00	01	91
		1278/1701	00	00	22
Ururi	94	23	00	02	66
		24	00	00	40
		28	00	00	72
		31	00	04	86
		33	00	03	39
		34	00	01	74
		42	00	01	77
		43	00	07	65
		94	00	00	39
		105	00	02	99
		106	00	07	07
		107	00	05	30
		108	00	04	22
		109	00	10	14
		110	00	00	20
		170	00	00	57
		171	00	09	05
		172	00	05	60
		173	00	05	88
		174	00	01	61
		183	00	05	85
		184	00	04	87
		187	00	04	56
		498	00	01	89
		499	00	00	98
		500	00	00	30
		501	00	03	42
		502	00	02	90
		699	00	00	83

( 1 )	( 2 )	( 3 )	( 4 )	( 5 )	( 6 )
		502/766	00	02	41
Gazipur	48	65	00	00	23
		119	00	02	19
		121	00	05	76
		124	00	00	34
		198	00	00	50
		213	00	27	94
		219	00	25	77
		320	00	01	04
		321	00	00	99
		322	00	01	09
		324	00	02	72
		325	00	01	75
		326	00	04	74
		327	00	00	20
		406	00	02	24
		407	00	10	49
		416	00	00	66
		417	00	02	24
		420	00	11	67
		421	00	04	39
		426	00	03	16
		439	00	00	20
		440	00	07	97
		447	00	17	07
		448	00	00	58
		455	00	02	77
		456	00	01	67
		457	00	00	20
		464	00	00	48
		465	00	00	45
		466	00	09	95
		469	00	00	53
		470	00	02	01
		473	00	00	20
		474	00	01	15
		475	00	03	71
		477	00	00	20
		478	00	14	53
		491	00	00	87
		492	00	00	38
		493	00	04	66
		496	00	12	16
		497	00	00	51
		510	00	00	31
		511	00	03	36
		512	00	00	49
		513	00	00	57
		514	00	01	17
		319/753	00	00	26

(1)	(2)	(3)	(4)	(5)	(6)
		465/755	00	09	20
		477/757	00	03	36
		119/771	00	01	71
		323/797	00	00	94
		407/811	00	02	32
		513/819	00	01	44
		513/820	00	00	88
		513/821	00	02	43
Chaknan	47	1	00	02	38
		5	00	00	47
		6	00	09	92
		7	00	03	29
		13	00	01	83
		994	00	00	41
Bhagabankhali (Part -II)	36	291	00	04	43
		292	00	02	79
		293	00	00	28
		294	00	00	76
		295	00	03	64
		296	00	06	14
		297	00	03	36
		298	00	01	05
		299	00	03	03
		783	00	00	20
		794	00	00	90
		795	00	02	29
		796	00	01	45
		797	00	01	43
		798	00	03	57
		799	00	05	83
		801	00	01	18
		802	00	00	46
		803	00	00	49
		816	00	02	35
		817	00	00	20
		818	00	03	55
		819	00	01	08
		820	00	03	79
		824	00	02	82
		825	00	03	78
		826	00	00	20
		827	00	00	88
		828	00	01	21
		829	00	02	37
		830	00	11	93
		835	00	00	38
		836	00	05	56
		840	00	01	13
		841	00	08	22

(1)	(2)	(3)	(4)	(5)	(6)
		842	00	02	45
		843	00	04	26
		844	00	01	77
		845	00	02	20
		846	00	00	20
		847	00	00	20
		848	00	03	00
		849	00	03	06
		850	00	01	20
		852	00	02	29
		853	00	10	79
		854	00	00	37
		867	00	00	20
		873	00	03	97
		990	00	01	29
		873/1012	00	00	20
		873/1083	00	02	66
		878/1085	00	04	52
		986/1104	00	05	75
		986/1105	00	00	21
Bishalchak	37	2	00	09	48
		17	00	00	20
		18	00	02	45
		20	00	01	94
		21	00	02	45
		22	00	01	47
		25	00	00	89
		27	00	04	04
		28	00	02	15
		49	00	00	20
		50	00	01	68
		59	00	02	42
		60	00	02	28
		61	00	03	46
		63	00	03	69
		64	00	03	65
		65	00	13	23
		71	00	00	20
		81	00	04	05
		83	00	02	50
		84	00	04	24
		85	00	01	47
		92	00	08	16
		93	00	02	12
		94	00	02	95
		95	00	03	12
		96	00	01	64
		107	00	03	06
		108	00	09	07
		109	00	02	94



(1)	(2)	(3)	(4)	(5)	(6)
		110	00	00	52
		111	00	04	05
		112	00	01	63
		113	00	05	88
		114	00	01	94
		115	00	02	84
		133	00	01	04
		146	00	01	23
		147	00	02	04
		148	00	00	20
		169	00	00	20
		171	00	09	22
		173	00	03	99
		174	00	01	68
		175	00	04	34
		176	00	04	22
		177	00	03	04
		181	00	05	31
		182	00	00	20
		183	00	03	66
		185	00	01	48
		186	00	04	16
		187	00	01	60
		192	00	03	70
		193	00	01	02
		238	00	04	22
		255	00	00	60
Bhagabankhali (Part -I)	38	40	00	03	12
		73	00	03	42
		76	00	05	14
		77	00	00	27
		79	00	03	22
		80	00	00	56
		81	00	00	13
		82	00	01	16
		83	00	01	67
		84	00	00	20
		87	00	02	73
		88	00	02	53
		89	00	06	36
		90	00	06	40
		91	00	02	56
		92	00	00	20
		78/759	00	00	63
Police Station - Bhupatnagar					
Bijoynagar	326	1409	00	04	48
		1410	00	12	06

(1)	(2)	(3)	(4)	(5)	(6)
		1417	00	00	20
		1420	00	03	35
		1421	00	04	80
		1422	00	00	20
		1424	00	00	65
		1426	00	03	95
		1450	00	22	48
		1451	00	06	10
		1452	00	09	22
		1453	00	03	97
		1454	00	08	64
		1528	00	00	95
		1556	00	10	14
		1557	00	15	53
		1558	00	00	23
		1563	00	00	20
		1564	00	02	73
		1565	00	02	21
		1566	00	00	20
		1572	00	00	49
		1573	00	00	09
		1743	00	05	23
		1746	00	04	27
		1747	00	03	44
		1748	00	00	67
		1750	00	00	20
		1758	00	10	69
		1787	00	01	83
		1821	00	04	72
		1822	00	06	35
		1823	00	04	74
		1832	00	02	68
		1833	00	00	20
		1864	00	00	20
		1865	00	00	77
		1866	00	01	83
		1880	00	09	25
		1881	00	08	58
		1905	00	10	04
		1906	00	07	25
		1908	00	08	74
		1909	00	10	49
		1934	00	00	72
		1942	00	00	26
		1455/2290	00	02	54
		1456/2291	00	00	04
		1572/2318	00	11	31
		1573/2319	00	00	84
		1564/2321	00	04	08
		1564/2322	00	02	66
		1576/2326	00	15	28

(1)	(2)	(3)	(4)	(5)	(6)
		1576/2327	00	09	77
		1759/2343	00	04	37
		1759/2344	00	19	64
		1746/2352	00	13	49
		1764/2353	00	07	26
		1881/2369	00	02	66
		1881/2370	00	03	19
		1881/2371	00	00	98
		1882/2372	00	01	20
		1879/2391	00	00	20
		1879/2392	00	07	28
		1879/2393	00	10	42
		1879/2394	00	02	07
		1879/2399	00	03	73
		1879/2402	00	05	18
		1909/2403	00	00	65
Disimulia	335	491	00	17	20
		519	00	14	89
		526	00	01	03
		531	00	00	20
		532	00	03	58
		534	00	05	24
		535	00	08	79
		536	00	11	08
		550	00	11	49
		551	00	14	43
		552	00	00	32
		553	00	05	52
		554	00	00	70
		556	00	01	74
		558	00	01	45
		629	00	05	57
		631	00	08	16
		636	00	01	98
		637	00	14	54
		638	00	00	20
		643	00	08	54
		648	00	00	30
		546/674	00	00	20
		559/675	00	07	27
		637/726	00	01	29
		670/734	00	02	45
		614/794	00	03	33
		532/691	00	20	84
		632/801	00	00	56
		643/803	00	02	62
		550/673	00	00	75
Dakshminbaraj(Part-II)	333	339	00	02	86

(1)	(2)	(3)	(4)	(5)	(6)
		345	00	00	20
		355	00	05	95
		356	00	07	30
		359	00	06	90
		360	00	01	25
		361	00	00	85
		362	00	01	52
		363	00	21	55
		364	00	07	17
		365	00	16	56
		371	00	00	20
		375	00	00	49
		376	00	05	74
		377	00	00	20
		378	00	04	93
		381	00	00	20
		382	00	05	99
		383	00	08	35
		384	00	08	66
		385	00	10	01
		355/901	00	02	26
		380/941	00	00	20
Simulbari	331	2	00	03	37
		4	00	01	20
		5	00	02	35
		18	00	10	97
		22	00	01	82
		23	00	09	95
		71	00	00	20
		72	00	08	33
		78	00	00	88
		79	00	02	78
		81	00	05	21
		82	00	07	83
		86	00	02	46
		120	00	00	29
		470	00	02	26
		72/959	00	03	75
Dakshminbaraj (Part-I)	332	25	00	00	20
		28	00	00	22
		29	00	04	30
		30	00	00	20
		32	00	00	72
		33	00	02	52
		34	00	01	09
		37	00	01	71
		38	00	03	50
		39	00	02	93
		40	00	00	92

(1)	(2)	(3)	(4)	(5)	(6)
		41	00	00	61
		43	00	00	20
		60	00	06	04
		61	00	01	13
		196	00	00	50
		197	00	06	21
		198	00	04	63
		200	00	02	40
		201	00	07	83
		202	00	02	10
		207	00	00	20
		219	00	00	20
		220	00	10	88
		221	00	00	46
		222	00	04	34
		223	00	07	91
		235	00	31	63
		245	00	01	38
		246	00	00	89
		247	00	01	66
		3/259	00	04	23
		128/271	00	01	44
Biribari	242	514	00	02	95
		516	00	00	20
		518	00	00	20
		528	00	04	23
		529	00	00	20
		531	00	02	41
		532	00	04	63
		533	00	09	44
		535	00	05	00
		536	00	02	44
		537	00	00	73
		541	00	02	29
		542	00	11	79
		543	00	00	20
		550	00	05	78
		551	00	06	86
		554	00	00	89
		555	00	06	28
		556	00	01	58
		558	00	00	20
		642	00	00	92
		649	00	01	02
		650	00	11	05
		652	00	14	35
		664	00	13	70
		665	00	06	08
		666	00	08	50
		668	00	07	54

(1)	(2)	(3)	(4)	(5)	(6)
		729	00	01	38
		558/922	00	02	29
Jukhia	240	2001	00	01	45
		2256	00	00	20
		2257	00	02	88
		2258	00	01	09
		2259	00	06	91
		2266	00	05	38
		2267	00	00	20
		2268	00	00	60
		2269	00	00	20
		2273	00	00	38
		2274	00	20	84
		2279	00	06	99
		2317	00	00	89
		2567	00	06	92
		2568	00	04	24
		2569	00	02	32
		2577	00	08	13
		2578	00	06	09
		2585	00	02	26
		2586	00	07	62
		2592	00	03	21
		2593	00	06	20
		2596	00	10	19
		2597	00	03	10
		2598	00	00	75
		2599	00	08	46
		2601	00	00	87
		2608	00	09	19
		2670	00	01	04
		2671	00	05	30
		2672	00	01	04
		2673	00	00	90
		2677	00	12	92
		2678	00	00	71
		2679	00	00	20
		2680	00	13	03
		2687	00	00	91
		2832	00	01	81
		2256/3321	00	04	50
		2256/3331	00	04	11
Ikshupatrika	225	1525	00	00	97
		1774	00	00	40
		1776	00	04	20
		1788	00	04	80
		1789	00	08	43
		1790	00	07	71

(1)	(2)	(3)	(4)	(5)	(6)
		1814	00	12	43
		1818	00	00	20
		1820	00	07	23
		1821	00	00	20
		1822	00	12	77
		1823	00	01	59
		1829	00	10	86
		1830	00	01	15
		1831	00	00	20
		1840	00	00	20
		1845	00	06	43
		1846	00	08	49
		1847	00	08	09
		1848	00	02	97
		1849	00	02	54
		1850	00	06	96
		1851	00	07	22
		1853	00	08	22
		1854	00	04	25
		1858	00	02	14
		1859	00	04	66
		1860	00	01	82
		1862	00	05	66
		1863	00	03	40
		1893	00	01	32
		1900	00	10	21
		1905	00	05	03
		1906	00	00	20
		1907	00	00	20
		1908	00	01	45
		1918	00	00	70
		2008	00	00	96
Sadulyachak	229	39	00	04	34
		71	00	06	02
		72	00	01	71
		73	00	00	84
		81	00	00	73
		82	00	00	20
		83	00	01	14
		84	00	02	35
		87	00	03	67
		88	00	02	14
		89	00	00	20
		91	00	00	20
		214	00	00	77
		442	00	10	60
		443	00	02	24
		444	00	07	60
		445	00	02	98
		446	00	01	55

(1)	(2)	(3)	(4)	(5)	(6)
		447	00	00	32
		459	00	08	47
		460	00	00	26
		465	00	06	54
		466	00	08	02
		580	00	00	66
		71/833	00	03	70
		82/834	00	00	91
Fakirchak	228	63	00	00	44
		127	00	01	23
		129	00	22	38
		131	00	10	79
		132	00	02	14
		133	00	14	18
		135	00	00	30
		150	00	00	20
		151	00	08	06
		152	00	01	30
		154	00	06	24
		155	00	08	22
		156	00	07	03
		157	00	00	50
		227	00	00	41
		129/279	00	00	20

[No. R-25011/10/2004-O.R.-I]  
RENUKA KUMAR, Under Secy.

नई दिल्ली, 28 सितम्बर, 2004

का. आ. 2466.—केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि उड़ीसा राज्य में पारादीप से पश्चिमी बंगाल राज्य में हल्दिया तक कच्चे तेल के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाने जानी चाहिए,

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि जिसके भितर पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, में उपयोग के अधिकार का अर्जन किया जाए,

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

कांई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर भूमि के अन्दर पाइपलाइन बिछाने के संबंध में श्री अरविन्द घोष, सक्षम प्राधिकारी, पारादीप हल्दिया पाइपलाइन परियोजना, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, कसबेरिया, डाकघर-खंजनचक, पूर्व मिदनापुर- 721602 (पश्चिमी बंगाल) को लिखित रूप में आक्षेप भेज सकेगा।



## अनुसूची

पुलिस थाना : नन्दकुमार

जिला : पूर्व मिदनापुर

राज्य : पश्चिमी बंगाल

गाँव का नाम (1)	अधिकारिता सूचि संख्या (2)	प्लॉट संख्या (3)	क्षेत्रफल		
			हेक्टेयर (4)	एयर (5)	वर्ग मीटर (6)
शीतलपुर	71	2045	00	06	92
		1982	00	00	37
पुलिस थाना : चण्डीपुर गोमुठा	73	563	00	00	87
		564	00	00	20
पुलिस थाना : भुपतिनगर किसमत बाजकुल	156	4858	00	03	22
वजयनगर	326	1746/2353	00	07	26
जुखिया	240	2832/3321	00	04	11
पुलिस थाना : मारिशदा शिवपुर बेलतलिया	41	180/499	00	06	61
		180/500	00	05	74
पुलिस थाना : एगरा खुरुटिया	201	1242	00	00	91
दुबदा	191	9629	00	00	96
लालपुर	202	184/1027	00	10	51

[फा. सं. आर-25011/20/2004-ओ.आर-1]

रेणुका कुमार, अवर सचिव

New Delhi, the 28th September, 2004

S. O. 2466.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum(crude)from Paradip in the State of Orissa to Haldia in the State of West Bengal, a pipeline should be laid by Indian Oil Corporation Limited,

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification,

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein,

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Sri Arabinda Ghosh, Competent Authority, Paradip Haldia Crude Oil Pipeline Project, Indian Oil Corporation Limited, Kasberia, Post Office- Khanjanchak, Purba Midnapur-721602 (West-Bengal).

#### Schedule

Police Station : Nandakumar		District : Purba Midnapur		State : West-Bengal	
Name of Village	Jurisdiction List No.	Plot. No.	Area		
			Hectare	Are	Square Metre
( 1 )	( 2 )	( 3 )	( 4 )	( 5 )	( 6 )
Sitalpur	71	2045	00	06	92
		1982	00	00	37
Police Station - Chandipur					
Gomutha	73	563	00	00	87
		564	00	00	20
Police Station - Bhupatinagar					
Kismatbajkul	156	4858	00	03	22
Bijoynagar	326	1746/2353	00	07	26
Jukhia	240	2832/3321	00	04	11
Police Station - Marishda					
Shibpurbeltalya	41	180/499	00	06	61
		180/500	00	05	74
Police Station - Egra					
Khurutia	201	1242	00	00	91
Dubda	191	9629	00	00	96
Lalpur	202	184/1027	00	10	51

[No. R-25011/20/2004-O.R.-I]  
RENUKA KUMAR, Under Secy.

**श्रम मंत्रालय**

नई दिल्ली, 3 सितम्बर, 2004

का.आ. 2467.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 174/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-2004 को प्राप्त हुआ था।

[ सं० एल-20012/327/2000-आईआर (सी-I) ]

एस. एस. गुप्ता, अवर सचिव

**MINISTRY OF LABOUR**

New Delhi, the 3rd September, 2004

S.O. 2467.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 174/2000) of the Central Government Industrial Tribunal/Labour Court, Dhanbad II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 2-9-2004.

[No. L-20012/327/2000-IR (C-I)]

S. S. GUPTA, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD****PRESENT:**

SHRI B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I. D. Act., 1947.

**REFERENCE NO. 174 OF 2000****PARTIES:**

Employers in relation to the management of M/s. BCCL and their workman.

**APPEARANCES:**

On behalf of the workman : Mr. S. C. Gaur, Advocate.

On behalf of the employers : Mr. D.K. Verma, Advocate.

State : Jharkhand : Industry : Coal.

Dated, Dhanbad, the 11th August, 2004.

**AWARD**

1. The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to

this Tribunal for adjudication vide their Order No. L-20012/327/2000 (C-I), dated, the 27th November, 2000.

**SCHEDULE**

"Whether the action of the Project Officer, North Tisra colliery, P.O. Khas Jeenagora, Dt. Dhanbad in non regularisation and non payment of clerical Gr. III wages to Sri Shrawan Rajwar is justified? If not, to what relief is the workman entitled and from what date?"

2. The case of the concerned workman according to Written Statement submitted by the sponsoring union on his behalf in brief is as follows :—

They submitted that the concerned workman got his appointment as Cat. I employee initially but on and from 1-6-91 he was authorised by the colliery management to work as Cap Lamp issue clerk in Clerical Gr. III against clear vacancy and since that date he is discharging his duties in the same capacity to the full satisfaction of the management. They submitted that after completion of one year service as Cap Lamp Issue Clerk continuously the said workman approached the management of North Tisra colliery for his regularisation as Cap Lamp Issue Clerk in Clerical Gr. III but to no effect. Thereafter in the year 1998 he submitted written representation to the management for his regularisation in the said post and also claimed difference of wages of Clerical Gr. III and Cat. I but inspite of giving assurance the management did not take any positive step and for which he has been deprived of getting correct wages inspite of rendering higher responsibility and for which he sustained serious financial loss.

They alleged that as the management inspite of appeal made by the concerned workman, have failed to consider his claim for his regularisation in Clerical Gr. III and also in the matter of payment difference of wages he raised an Industrial Dispute before ALC(C), Dhanbad for conciliation which ultimately resulted reference to this Tribunal by the Ministry for adjudication. The concerned workman accordingly submitted prayer to pass award directing the management to regularise him in clerical Gr. III as Cap Lamp Issue Clerk with effect from 1-6-91 along with all consequential benefit.

Management on the contrary after filing written statement-cum-re joinder have denied all the claims and allegations of the sponsoring Union which they have asserted in the Written Statement on behalf of the concerned workman. They submitted that the concerned workman was appointed as Security Guard (Trainee) in Cat. I. They submitted that promotion of any workman is considered through D.P.C. but the concerned workman never appeared before the D.P.C. for consideration of his promotion in clerical Gr. III as Cap Lamp Issue Clerk. They further submitted that there is no provision for any workman of Cat. I to get direct promotion in clerical Gr. III.

It has been submitted by him that for some period local management provided the job of Cap Lamp Issue clerk to the concerned workman against temporary vacancy, and for which there was no scope at all to consider his claim and for which he is not entitled to get any benefit. Accordingly, management submitted their prayer to pass award rejecting the claim of the concerned workman.

### 3. POINTS TO BE DECIDED

"Whether the action of the Project Officer, North Tisra colliery, P.O. Khas Jeenagora, Dist. Dhanbad in non regularisation and non payment of clerical Gr. III wages to Sri Shrawan Rajwar is justified? If not, to what relief is the workman entitled and from what date?"

### 4. FINDING WITH REASONS

It transpires from the record that the sponsoring Union with a view to substantiate their claim examined the concerned workman as WW-1. The management also in support of their claim examined one witness as MW-1. Considering the facts disclosed in the pleadings of both sides and also considering the evidence of WW-1 and MW-1, I find no dispute to hold that the concerned workman initially got his appointment as Security Guard (Trainee) in Cat. I. It is the contention of the concerned workman that with effect from 1-6-91 he is discharging his duties as Cap Lamp Issue clerk at North Tisra colliery in view of authorisation letter issued by the management. The authorisation letter during his evidence was marked as Ext. W/1. The copy of the office Order issued by the Area Office engaging him to perform the job of Cap Lamp Issue Clerk under signature of Dy. C.P.M. also during his evidence was marked as Ext. W-2. He submitted that till date he is discharging his duties as Cap Lamp Issue clerk, in the said colliery. He disclosed that he made a written representation to the management for his regularisation as Cap Lamp Issue clerk the copy of which was marked as Ext. W-3. He alleged that as the management did not consider his prayer, through sponsoring Union he raised an Industrial Dispute before the ALC (C) Dhanbad and in course of hearing of the conciliation proceeding management submitted two petitions the copies of which during his evidence had been marked as Ext. W-4 and W-4/1. He disclosed that he is Matriculate and in support of his claim he submitted his said certificate Ext. W-5. His specific allegation is that the management by vesting higher responsibility on his shoulder since 1991 to perform his duties as Cap Lamp Issue clerk instead of his duties as Security Guard have refused to pay difference of wages. On the contrary they are paying wages of Cat. I and thereby exploiting him for years together. During his cross-examination he categorically denied the fact that in the Cap Lamp Issue Deptt. he is discharging the duties of Cat. I mazdoor instead of his discharging duties as Cap Lamp Issue clerk.

On the contrary MW-1 during his evidence disclosed that in case of employment of any clerk as per employment procedure the name of that workman should be recommended by D.P.C. for his promotion as Clerk. He further disclosed that no officer of the management is competent to issue any letter of promotion or appointment in clerical grade in favour of any workman without recommendation of D.P.C. as clerical posts comes under cadre scheme as per provision laid down in N. C. W.A.

Considering the evidence of MW-1 it therefore, transpires, clearly that though the concerned workman by designation a security guard was posted at Cap Lamp Issue Deptt. It is the contention of MW-1 that the concerned workman was posted there as Cat. I and not as Cap Lamp Issue clerk. The concerned workman in support of his claim relied on two Office Orders dt. 13/14-5-91 and 28-5-91/1-6-91 issued by Dy. Chief Personnel Manager, Lodna Area and Dy. Chief Mining Engineer marked as Ext. W-2 and W-1 respectively. The first Officer Order dt. 13/14-5-91 Ext. W-2 speaks as follows :—

"Ext. W-2                      Office of the General Manager,  
Lodna Area.

Ref.No. BCCL : GM : LA : PER : EST : 91 : 5949 1961  
Dated the 13/14th May, 1991.

#### OFFICE ORDER

As per endorsement made by Dy. C.M.E. North Tisra colliery Sri Srawan Rajwar, Night Guard who is matriculate is hereby placed to work as Cap Lamp Issuer in Clerical Gr. III. This grade i.e. Gr. III shall be given after completion of one year of service adjudging his suitability and performance otherwise he shall be reverted back to his original job. During the above one year of service he will get his existing pay and scale.

This issues with the approval of competent authority.

Sd/-  
(V.R. JOSHI), 13-5-99  
Dy. Chief Personnel Manager,  
Lodna Area.

#### Distribution :

1. Person concerned.
  2. The Dy. C.M.E. North Tisra colliery-This has reference to his endorsement made on his application.
  3. The Dy. P.M. North Tisra colliery.
  4. The Personnel Manager (E) Lodna Area."
- The second office order dt. 28-5-91/1-6-91 (Ext. W-1) speaks as follows :—

"Ext. W-1

Office of the Dy. C.M.E.  
North Tisra Colliery

Ref. BCCL/NTC/91/PER/687  
Dt. 28-5-91/1-6-91

**OFFICE ORDER**

In pursuance of Office Order No. BCCL/GM/LA/PER/EST/91/5949 dated the 13th May, 1991 from V.R. Joshi, Dy. Chief Personnel Manager, Lodna Area, Sri Shrawan Rajwar, Security Guard is hereby placed to work as cap lamp issue clerk in clerical grade. III. This Grade III will be given after completion of one year of service. He will be reverted back to his original post if his conduct and performance will not be found satisfactory.

He is hereby directed to report for his duty to the ACM, 6 Seam with immediate effect

Sd/-

Illegible  
Dy. Chief Mining Engineer

C.C. to:—

1. Person concerned.
2. Dy. C.P.M. Lodna Area.
3. Dy. P.M. North Tisra Colliery.
4. ACM 6 Seam - for information.
5. Cap Lamp incharge, NTC.
6. Bill clerk - 6 Seam NTC.
7. Attd. Clerk - 6 Seam NTC.
8. Service File.
9. Personnel Dept. Clerk.
10. Master file Dept. Clerk.

These two office orders had been issued in course of official business. No contra evidence is forthcoming before this Tribunal to show that no such office orders were issued by the senior officials of the management. There is no evidence also to show that the signature of V.R. Joshi Dy. Chief Personnel Manager and Dy. Chief Mining Engineer appearing in those two office orders (Ext. W-2 and W-1) have been manufactured by the concerned workman in support of his claim. It is seen that inspite of submitting representation when the management refused to regularise him as Cap Lamp Issue clerk in Clerical Gr. III. the concerned workman raised an Industrial Dispute through sponsoring Union for conciliation. During hearing of the conciliation proceeding before ALC (C), Dhanbad, Project Officer, North Tisra Colliery by sending a letter addressed to ALC(C) dt. 20/23-12-99 (Ext. W-4) admitted the fact of engagement of the concerned workman as Cap Lamp Issue clerk in clerical Gr.-III though he was originally appointed as Security Guard in Cat. I. It is further mentioned in the said letter that they initiated note sheet along with relevant papers to the Headquarters for approval in the matter of his regularisation as monthly rated employees under the management, North Tisra Colliery. The second letter dt. 29-6-2000 issued by the Project Officer Ext. W-4/I also corroborated the facts disclosed in the first letter Ext. W-4. In addition it has been further mentioned in the said letter that "the management is to regularise him in clerical

Gr. III on the receipt of the approval from the competent authority."

If the facts disclosed in the office order and letters addressed to ALC(C) Dhanbad as mentioned above it will expose clearly that MW-1 deposed falsely before this Tribunal to the effect that the concerned workman started working the Cap Lamp Issue Deptt. as per his designation and not as a clerk." It transpires that concerned workman possessed that minimum qualification which is required to get appointment of workman as Cap Lamp Issue clerk. The office orders as mentioned shows clearly that as the concerned workman was matriculate he was posted as Cap Lamp Issue clerk.

It is the contention of the management that neither Project Officer nor any other senior officials of the colliery have any authority deviating the recommendation of D.P.C. to issue any office order by which a workman who is in Category I to work as clerk in Gr. III as it a cadre posting and also as it contravenes the provision of N.C.W.A. I fully agree with the view extended by the Learned Advocate for the management. There is procedure how a workman working in Cat. I is eligible to get the cadre posting in clerical Gr. III. There is also no dispute to hold that a Project Officer or any senior official of local management are not empowered to make such order allowing a workman of Cat. I to work as Cap Lamp Issue clerk in clerical Gr. III. The Project Officer is the highest officer in the colliery and Dy. Chief Personnel Manager of the Area is also to be considered as a very senior official of the Area. Therefore, it is not at all believable that those senior officials of the management are ignorant about the provision of N.C.W.A. and also the procedure how a workman of Cat. I is eligible to get promotion in Clerk Grade-III. Moreover, Dy. Personnel Manager is not at all competent to issue any office order allowing a workman of Cat. I to work as Cap Lamp Issue clerk in Clerk Gr. III. It is seen that inspite of knowing the competency in this regard he issued the order (Ext. W-2) and the said order was duly complied by the Dy. Chief Mining Engineer of North Tisra Colliery knowing fully well that Dy. Chief Personnel Manager Lodna area was not competent enough to issue such office orders. It is seen that those senior officers after passing the said orders did not consider necessary to take approval from the Headquarter. On the contrary they allowed the concerned workman to discharge his duties as Cap Lamp Issue clerk. There was a condition in the said office order that Clerk Gr. III will be given to the concerned workman after completion of one year of service. There was further condition that he will be reverted back to his original post if his conduct and performance are not found satisfactory.

It is to be borne into mind that for a general worker it is not always possible to guess if such senior officials are incompetent to issue any such order. It is seen that after completion of one year service as Cap Lamp Issue clerk neither the concerned workman was reverted back to his

original post nor he was paid wages of Clerk Gr. III. The notesheet was forwarded to the Headquarter for approval in the matter of regularisation of the concerned workman in clerk Gr. III. Even no difference of wages for discharging higher responsibility as clerk Gr. III was paid to him. It is fact that workman stand on weaker sides and for which they are to carry out orders of the management legally or illegally as they stand on the stronger footing. Accordingly, there is sufficient reason to believe that local management exploited the concerned workman alluring to regularise him in Clerk Gr. III. Helpless workman had to swallow such exploitation for years together but he raised the industrial dispute when all his tolerance limit teared. After raising Industrial Dispute the management in the year 1999 (Ext. W-4) initiated notesheet and forwarded the same for its approval by the Headquarter in the matter of regularisation of the concerned workman in clerical Gr. III i.e. they took about eight years to prepare such notesheet for consideration of the headquarter. No cogent evidence is also forthcoming what legal steps they had taken so far against those senior officers who issued the orders (Ext. W-2 & W-1) in question. Till date the management did not issue any order recalling the office orders issued by Dy. C.P.M. and Dy. C.M.E. This attitude of the Headquarter shows clearly that they do not have any vigilance over his officers who are habituated in passing such orders knowing fully well that they do not have any capacity to pass such orders.

It is seen that till date of hearing of this case the concerned workman was allowed to discharge his duties as Cap Lamp Issue clerk i.e. continuously for more than 12 years he is functioning in that capacity. Since the Headquarter also possess absolute knowledge of this fact (Ext. W-4 and W-4/1) and also inspite of getting such knowledge they also did not consider necessary to take any appropriate step either to regularise him or to revert him back. Therefore, if the conduct of the headquarter is taken into consideration it will expose clearly that they have their implied consent to allow the workman to work as Cap Lamp Issue clerk in Clerical Gr. III. As per para 7.2 of Certified Standing Order a permanent workman is one who is employed on a job of permanent nature for a period of atleast six months or who has satisfactorily put in 6 months continuous service in a permanent post as a probationer. It is seen that the concerned workman has been discharging his duties as Cap Lamp Issue clerk continuously for more than 12 years. Therefore, there is ample scope to say that the post in question is a permanent post. There is no whisper to the effect that the concerned workman did not discharge his duties satisfactorily during such long period. No allegation on the part of the management is forthcoming to show that the concerned workman do not possess requisite qualification to work as Cap Lamp Issue clerk. There is no evidence on the part of the management that for rendering higher responsibility they paid difference of wages to him. As such I hold that the management illegally,

arbitrarily and violating the principles of natural justice forced him to work as Cap Lamp Issue clerk and thereby exploited him.

In view of the facts and circumstances discussed above I hold that the management exercised gross injustice to the concerned workman in not regularising him as Cap Lamp Issue clerk in Clerical Gr. III inspite of taking his service continuously for more than 12 years. I, therefore, hold that the management is liable to regularise the concerned workman as Cap Lamp Issue clerk in Clerical Gr. III with effect from the date when he raised Industrial dispute through sponsoring Union.

In the result, the following award is rendered :—

“The action of the Project Officer, North Tista Colliery, P.O. Khas Jeenagora, Dt. Dhanbad in non-regularisation and non payment of Clerical Gr. III wages to Sri Shrawan Rajwar is not justified. Consequently he is entitled to be regularised in clerical Gr. III with effect from the date when he raised Industrial Dispute through sponsoring Union. Management is directed to implement the Award within three months from the date of its publication in the Gazette of India.

B. BISWAS, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2004

का.आ. 2468.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 176/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-2004 का प्राप्त हुआ था।

[सं. एल-20012/380/97-आई.आर.(सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 3rd September, 2004

S.O. 2468.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 176/98) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 2-9-2004.

[No. L-20012/380/97-IR(C-I)]

S. S. GUPTA, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL (NO. 2) AT  
DHANBAD****PRESENT:**

Shri B. BISWAS,  
Presiding Officer

In the matter of an Industrial Dispute under Section  
10(1)(d) of the I.D. Act, 1947.

**REFERENCE NO. 176 OF 1998**

**PARTIES :** Employers in relation to the management of  
M/s. CCL and their workman.

**APPEARANCES :**

On behalf of the workman : Mr. R. N. Ganguly,  
Advocate

On behalf of the employers : Mr. D. K. Verma,  
Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad the 11th August, 2004

**ORDER**

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/380/97-IR(C-I), dated, 27th August, 1998.

**SCHEDULE**

“Whether the action of management of Central Coalfields Ltd. in terminating the services of Shri Biswanath Turi was proper and justified? If not, to what relief the concerned workman is entitled?”

2. Here the point for consideration is whether the instant reference case is maintainable in the eye of law or not.

It appears that the management by filing two petitions dated 17-1-2003 and 10-9-2003 submitted their prayer to pass award on the ground of non-maintainability of the instant reference case. They submitted that Biswanath Turi Ex-Wagon Loader left his employment w.e.f. 13-11-89 without giving any information to the management and also without showing any sufficient cause. Accordingly, for commission of misconduct on the ground of unauthorised absence a chargesheet of 15-1-90 was issued to him. As the concerned workman did not submit any reply to the chargesheet a domestic enquiry was held against him *ex parte* and on the basis of the report of the Enquiry Officer the disciplinary authority dismissed him from service by order dated 2-4-90.

Thereafter, in the year 1993 Janta Mazdoor Sangh raised an Industrial Dispute on behalf of Smt. Kalwa Devi and demanded her employment under the provision of 9:4:2 of N.C.W.A.-IV stating therein that the workman Biswanath Turi died on 17-10-98. As the conciliation proceeding ended in failure Ministry made a reference to that effect before this Tribunal for adjudication which was registered as Ref. Case No. 81/95. Both the parties in that Ref. Case appeared with a view to substantiate their claim and the said case was closed and an Award *suo moto* was passed by this Tribunal.

After disposal of that reference case the present sponsoring Union i.e. National Coal Organisation Employees Union has again raised an Industrial Dispute on behalf of a dead person without taking any step for substitution of his wife or any of his legal heir. They submitted that the present sponsoring Union submitted Written Statement on behalf of the workman concerned suppressing the fact, that the said workman i.e. Biswanath Turi died long back. As the petition dated 17-1-03 was not a verified petition the management on 10-9-03 filed a verified petition in support of their said petition and disclosed that as the sponsoring Union has no *locus standi* to raise Industrial Dispute the same is not maintainable in the eye of law.

3. The sponsoring Union after filing Written objection admitting the fact of raising Industrial Dispute previously submitted that the subject matter of the said dispute was different and the terms of reference of that dispute was entirely different from the present dispute.

They further submitted that there is no bar for a trade union to raise a genuine dispute of a dead person if the said dead person had been subjected to injustice. They submitted that their Union i.e. National Coal Organisation Employees Association took up the matter as the widow of Biswanath Turi on being betrayed by Janta Mazdoor Sangh approached their Union for justice and requested to take up the cause. Accordingly they have got every *locus standi* to proceed with the hearing of this case and for which no substitution of the legal heir of the deceased is required. Accordingly the sponsoring Union submitted that the petition filed by the management dated 17-1-2003 and 10-9-2003 are liable to be rejected.

Considering the petition filed by the management and also considering the written objection filed by the sponsoring Union there is no dispute to hold that the concerned workman was a wagon loader under the management. There is also no dispute to hold that for committing misconduct on the ground of absentism a chargesheet dated 15-1-90 was issued to him. It is clear that as the concerned workman did not appear and domestic enquiry against him was held *ex parte* and the said workman was dismissed from his service by order dated 2-4-90. Thereafter he died on 17-10-90.



It has been admitted by the present sponsoring union that the widow of the deceased workman through sponsoring union Janta Mazdoor Sangh raised an Industrial Dispute for her employment on compassionate ground under clause 9:4:2 of N.C.W.A.-IV. The said case was registered as Ref. Case No. 81/95. For non-appearance of the concerned petitioner i.e. widow of the deceased or her sponsoring union the said case was disposed of *suo moto* by this Tribunal. Even after passing that award none came forward with a prayer for restoration of that case to its original file and number recalling that award passed *suo moto*. Accordingly the said award stands.

In that reference case the sponsoring Union on behalf of the widow filed written statement with a prayer for providing her employment on compassionate ground under clause 9:4:2 of N.C.W.A.-IV. Management by filing Written Statement-cum-rejoinder denied the claim of the sponsoring union stating that the concerned workman died after the order of dismissal issued against him and for which there was no scope to give any relief to his widow in view of her prayer.

In the said written statement they further disclosed that for committing misconduct on the ground of absentism a chargesheet was issued to him on 15-1-90 but as the concerned workman neither gave any reply to the chargesheet issued to him nor he appeared during domestic enquiry. The Enquiry Officer conducted the said enquiry *ex parte* and submitted his report and thereafter he was dismissed from this service.

Here in the instant case the contention of the sponsoring union is that the subject matter of the previous case is not the same as that of the subject matter of the instant case. It is their specific contention that management terminated the concerned workman illegally, arbitrarily and violating the principle of natural justice. They submitted that at the relevant time as the concerned workman was a mental patient there was no scope for him to attend the domestic enquiry. Moreover he had no knowledge about issuance of chargesheet against him by the management and for which there was no scope to give any reply to the same. Before taking up hearing of the domestic enquiry *ex parte* he also did not receive any notice from that end. It is the specific allegation of the sponsoring union that on the basis of perverse report of the enquiry officer the concerned workman was dismissed from his service.

It is admitted fact that Biswanath Turi i.e. the workman died on 17-10-90. It is also admitted fact that after death his widowed raised a dispute for her employment on compassionate ground under clause 9:4:2 of the NCWA-IV. That matter has already been disposed of. During that period neither his widow nor any of his legal heir raised any dispute through sponsoring Union challenging the order of dismissal issued by the management against said Biswanath Turi. It is seen that long years after the death of said Biswanath Turi the present sponsoring Union *suo moto* raised the present dispute. Learned Advocate for the

management referring Section 10(8) of the I.D. Act submitted that there is no scope to lapse any proceeding under the Industrial Dispute Act by reason of the death of any of the parties to the dispute being a workman. But this provision is applicable when in course of pendency of the hearing of the dispute any of the parties dies. Here in the instant case the picture is quite different. The sponsoring Union without substituting any legal heir of the deceased raised the industrial dispute before AL(C) concealing the fact of his death. As there is no scope to pass any award in favour of a dead person the reference case is liable to be abated and for which the same is not maintainable in the eye of law.

As per Industrial Dispute Act it is the cardinal principle that excepting under provision as laid down U/s. 2A of the Act a workman only will be entitled to raise any dispute through his sponsoring Union. It is fact that Union *suo moto* can raise dispute but that is in case where policy matter is involved. Here that instant case arose out of individual dispute over dismissal of a workman. After the order of dismissal no such dispute was raised by the concerned workman either independently as per provision laid down U/s. 2A of the Act or through sponsoring union. Subsequently he died and long after his death not being the representative of his legal heir but in independent capacity the present sponsoring union raised the instant dispute when the said workman is dead. In course of hearing Learned Advocate for the union has failed to satisfy this Tribunal that the Union in individual capacity not being the representative of the legal heir of the deceased is very much empowered to raise the dispute. Learned Advocate for the Union also has failed to explain how the award if passed in their favour will be executed when the workman himself died long back.

After careful consideration of all the facts and circumstances discussed above I hold that the present sponsoring union in individual capacity is debarred from raised any dispute for award in favour of a workman who died long years back. Accordingly, I hold that the instant reference case is not maintainable in the eye of law. Hence

#### ORDERED

that the petition filed by the management is considered and allowed on contest. The reference case is disposed of as the same is not maintainable in the eye of law.

B. BISWAS, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2004

का.आ. 2469. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 107/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-2004 को प्राप्त हुआ था।

[ सं० एल.-20012/185/96-आईआर (सी-1) ]

एस.एस. गुप्ता, अवर सचिव



New Delhi, the 3rd September, 2004

**S.O. 2469.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 107/97) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 2-9-2004.

[No. L-20012/185/96-IR (C-I)]

S. S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

In the matter of a reference U/S. 10(1)(d)(2A) of the  
Industrial Disputes Act, 1947

REFERENCE No. 107 of 1997

**PARTIES :** Employers in relation to the  
management of Lodna Area of  
M/s. B.C.C. Ltd.

AND

Their Workman

**PRESENT :** Shri B. Biswas Presiding Officer

#### APPEARANCES :

For the employers : Shri D.K. Verma, Advocate.

For the workmen : Shri Santosh Kumar,  
Advocate

State : Jharkhand Industry : Coal

Dated, the 13th August, 2004

#### AWARD

By Order No. L-20012/185/96-IR(C-I) dated the 18th August, 1997 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Joyrampur Colliery of M/s. BCCL in dismissing the workman late Amolwa Bhuini after her death and thereby denying the employment to her dependant son is justified? If not, to what relief is the concerned workman entitled?”

2. The case of the petitioner according to the written statement submitted by the sponsoring union on his behalf, in brief, is as follows :

The sponsoring union submitted that Amolwa Bhuini was a permanent wagon loader posted at Jayrampur

Colliery under the management. The present petitioner is the son of said Amolawa Bhuini. They submitted that the said workman Smt. Bhuini got her appointment on 8-7-1971 and died on 18-6-92 while she was in service. After the death of Smt. Bhuini her son/petitioner reported the news of death to the management. They further submitted that the petitioner, Naresh Bhuini was the dependant son of the deceased and for which he applied for his employment to the management as per Clause 9.4.2 of NCWA-IV, but the management denied to provide employment to him. In the meantime the management illegally and arbitrarily dismissed the said workman from her service w.e.f. 18-1-94. They alleged that the management dismissed the said workman two years after her death which has no legal value in the eye of law. As the management refused to provide employment to the petitioner under Clause 9.4.2 of NCWA-IV he raised industrial dispute through sponsoring union for his relief before the A.L.C.(C), which ultimately resulted reference by the Ministry for adjudication.

The petitioner accordingly submitted prayer to pass award directing the management to provide him employment on compassionate ground under clause 9.4.2 of NCWA-IV.

3. The management, on the contrary, after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workman.

They submitted that Smt. Amolwa Bhuini started absenting from duty w.e.f. 21-5-91 without any information to the management. Such unauthorised absence as constituted misconduct the Disciplinary Authority issued a charge-sheet No. BCCL/A/93/CS/1402 dated 7-6-93. After issuance of the said charge-sheet as said Amolwa Bhuini did not give any reply to the same a departmental enquiry by order of the Disciplinary Authority was started against her through Enquiry Officer. The Enquiry Officer before taking up hearing of the departmental enquiry issued several notices not only but news was also published in the News Paper and inspite of publication of the news in the News Paper as smt. Amolwa Bhuini failed to appear before the Enquiry Officer he conducted hearing of departmental enquiry ex-parte and after completion of the said enquiry, the Enquiry Officer submitted his report holding her guilty to the charges. The Disciplinary Authority thereafter considering the said report and also considering all relevant matters dismissed Smt. Amolwa Bhuini from her service by letter No. BCCL/A/87 dated 18-1-94. They submitted that till the date of passing the order of the dismissal nobody from the family of Smt. Bhuini turned up and reported her death news. They disclosed that they had got first information about the death of Smt. Bhuini

long after her dismissal through Bahujan Mazdoor Union when they raised an industrial dispute before the A.L.C.(C), Dhanbad. They submitted that the order of dismissal issued against Smt. Amolwa Bhuini was legal and justified and it was so done with all fairness of natural justice.

They further disclosed that the claim of the sponsoring union seeking employment of the dependant son of the deceased workman is unjustified, improper and not tenable in the eye of law. Accordingly, they submitted prayer to pass award rejecting the claim of the petitioner for his employment.

**Points to be decided :**

4. "Whether the action of the management of Joyrampur Colliery of M/s. BCCL in dismissing the workman late Amolawa Bhuini after her death and thereby denying the employment to her dependant son is justified? If not, to what relief is the concerned workman entitled?"

**Finding with reasons :**

5. It transpires from the record that the sponsoring union with a view to substantiate their claim examined the petitioner as WW-1. The management also with a view to substantiate their claim examined two witnesses, namely, MW-1 and MW-2.

Considering the evidence of the management as well as the sponsoring union and also considering the facts disclosed in the pleadings of both sides I find no dispute to hold that Smt. Amolwa Bhuini was a Wagon Loader at Jayrampur Colliery. It transpires that she got her appointment w.e.f. 8-7-71 and was in service till her death i.e. upto 18-6-92. It is the claim of the sponsoring union that after the death of Smt. Bhuini her son, Naresh Bhuini i.e. the petitioner not only informed the management about the death of his mother but also submitted application for his employment on compassionate ground under Clause 9.4.2 of NCWA-IV

It is the specific allegation of the sponsoring union that the management did not pay any importance in the matter of employment of the said petitioner i.e. son of Smt. Bhuini and as a result of which an industrial dispute was cropped up. On the contrary, from the contention of the management it transpires that Smt. Bhuini started remaining himself absent unauthorisedly without giving any intimation to the management w.e.f. 21-5-91 and for which the Disciplinary Authority issued a chargesheet No. BCCL/A/93/CS/1402 dated 7-6-93. It has been admitted by the management that as no response was received from the concerned workman a departmental enquiry was held against her ex-parte and thereafter in view of report submitted by the Enquiry Officer she was dismissed from her service vide letter dated 18-1-94. During evidence of the management's witness the order of dismissal was marked as Ext. M-7. The letter of dismissal shows that it was issued on 18-1-94. The sponsoring union in course of hearing submitted a copy of death certificate issued by

appropriate authority under the Government of Bihar marked Ext. W-1. Death certificate shows that Smt. Bhuini died on 11-9-92 and not on 18-6-92 as appears in the written statement submitted by the sponsoring union on behalf of the petitioner. However, it is clear that long after the death of Smt. Amolwa Bhuini management issued chargesheet against her. It is therefore clear that the management issued chargesheet against a dead person and for which her soul could not response in receiving the said chargesheet and as the soul of Smt. Bhuini was incapable to appear before the departmental enquiry the Enquiry Officer conducted the said departmental enquiry ex-parte. Therefore, the action taken by the Disciplinary Authority in view of the enquiry report submitted by the Enquiry Officer against a dead person should be considered as infructuous and finds no legal status.

6. The point for consideration here is whether refusal to provide employment as per clause 9.4.2 of NCWA-IV to the petitioner by the management was justified or not. It is the contention of WW-1 i.e. the petitioner that after the death of his mother he went to the office of the management and communicated the death news to them and thereafter submitted an application for his employment on compassionate ground but as the management refused to consider his prayer he raised an industrial dispute through sponsoring union. Therefore, onus is on the petitioner to establish that he communicated the death news of his mother to the management and he submitted application for his employment on compassionate ground. Neither the petitioner nor the sponsoring union in course of hearing has failed to produce a single scrap of paper to show on which date the death news of Amolwa Bhuini was communicated to the management. The petitioner as well as the sponsoring union have failed to submit any copy of representation claiming employment on compassionate ground. It is admitted fact that the concerned workman started remaining herself absent from duty unauthorisedly w.e.f. 21-5-91. The petitioner submitted that his mother was seriously ill and it was not possible on her part to attend her duty. In support of his claim he relied on two medical papers marked Exts. W-2 and W-2/2. The medical paper marked as Ext. W-2 shows eligibility of Smt. Bhuini for her treatment at Central Hospital, but from this medical paper there is no scope to ascertain if Smt. Bhuini was admitted in the hospital or not and as no date transpires it also cannot be ascertained on which date it was issued. However, from the medical certificate marked Ext. W-2/2 it transpires that Smt. Bhuini was admitted at Nirmala Leprosy Hospital on 5-6-91 and remained there till 29-7-91 and she was advised to take rest as she was not fit for duty. Therefore, if this medical certificate is taken into consideration there is reason to believe that Smt. Bhuini was a leprosy patient and for which she did not get scope to attend her duty. However, such ailment did not stand in the way to communicate the management about the reason of her absence. It is seen from the death certificate marked as Ext.

W-1 that Smt. Amolawa Bhuini died on 11-9-92 i.e. about one year after her discharge from Nirmla Leprosy Hospital. It is the contention of the sponsoring union that the petitioner informed the death news not only of his mother, but also submitted application for his employment on compassionate ground. It has been observed above clearly that the petitioner in course of evidence failed to produce an iota of evidence to show when he communicated the death news of his mother and at all he submitted any representation for his employment. It is seen that the management issued chargesheet against the concerned workman on 18-1-94 i.e. long after her death. It is absolutely unbelievable that the management knowing fully well the death news of a workman would issue chargesheet against her. Therefore, there is ample scope to believe in the absence of cogent evidence on the part of the sponsoring union that as the management was absolutely in the dark, they for taking disciplinary action against the concerned workman issued the chargesheet in question. Had that not been so they would not definitely issue any chargesheet against the dead person. Shrimati Amolawa Bhuini was dismissed by the management by letter dated 18-1-94. From the reference itself it transpires that the sponsoring union raised industrial dispute before the A.L.C.(C), Dhanbad in the year 1996. If the contention of the sponsoring union is taken into consideration there is sufficient reason to believe that they were very much aware about the enquiry proceeding against Smt. Bhuini particularly when their claim for employment of the petitioner on compassionate ground was pending. If this fact is taken into consideration then in that case it should be presumed that the sponsoring union kept themselves silent with some ulterior motive probably to humiliate the management over this issue. As it is an impossible fact to consider I should say that no death news was communicated to the management either by the petitioner or by the sponsoring union before issuance of chargesheet against Smt. Amolawa Bhuini. There is reason to believe that the petitioner submitted representation for his employment on compassionate ground, but it was so filed long after the death of his mother. There is provision under 9.4.2 to provide employment to the dependant of a workman if he or she dies in harness. As there is such provision for the benefit of the workman there is no scope to draw conclusion that as a matter of right such employment can be claimed before the management. It is required to be established that the petitioner was absolutely dependant on the income of his mother and his employment was very much required to save the family of his mother. During hearing neither the petitioner nor the sponsoring union have failed to produce any such cogent evidence to show that the concerned workman was absolutely dependant on his mother and his employment was very much needed to save their family from economic hardship or starvation. Just as the petitioner claims himself that he was dependant as of right he cannot claim such

employment relying on the provision laid down in NCWA. Moreover, considering all the aspects carefully and in view of my discussion above I find sufficient reason to hold that long after the death of Smt. Bhuini her son i.e. the present petitioner came forward with an application for his employment. Such delay in filing application for employment automatically has eliminated the immediate need of a person for employment on compassionate ground.

7. Accordingly, considering all the facts and circumstances stated above, I hold that the sponsoring union have failed to establish their claim satisfactorily and for which the petitioner is not entitled to get any relief in view of his prayer.

8. In the result, the following award is rendered—

The action of the management of Joyrampur Colliery of M/s. BCCL in dismissing the workman, late Amolawa Bhuini after her death is illegal, but denial of employment to her dependant son is justified. Hence, the dependant of Smt. Bhuini is not entitled to get any relief.

B. BISWAS, Presiding Officer.

नई दिल्ली, 3 सितम्बर, 2004

का. आ. 2470.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 19/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-2004 को प्राप्त हुआ था।

[ सं० एल.-20012/80/95-आईआर (सी-1) ]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 3rd September, 2004

S.O. 2470.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 19/96) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 2-9-2004.

[No. L-20012/80/95-IR (C-I)]

S.S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD

In the matter of a reference U/S. 10(1)(d)(2A) of the  
Industrial Disputes Act, 1947.

REFERENCE No. 19 of 1996

PARTIES: Employers in relation to the  
management of Bhowra Coke  
Plant of M/s. B.C.C. Ltd.

**AND**

Their Workman.

**PRESENT:** Shri B. Biswas  
Presiding Officer

**APPEARANCES:**

For the employers : Shri D.K. Verma, Advocate.  
For the Workman : Shri S.N. Goswami, Advocate.  
State : Jharkhand : Industry : Coal.

Dated, Dhanbad, the 16th August, 2004.

**AWARD**

By Order No. L-20012/80/95-IR(Coal-I) dated the 29-2-1996 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management in dismissing Smt. Panchami Mahtain from the service of the company is justified? If not, to what relief the concerned workman is entitled?”

2. The case of the concerned workman according to the written statement submitted by the sponsoring union on her behalf, in brief, is as follows:

It has been submitted by the sponsoring union that the concerned workman, Smt. Panchami Mahtain was a female worker of BP and BH Plant of Bhowra Colliery under Bhowra Area of M/S.B. C.C. Ltd. They submitted that since the memorandum of Agreement dated 11-8-1979 Joint Bipartite Committee for the Coal Industry under clause 11-2-1 of N.C.W.A. -II extended benefit of free issue of coal to the workers/staff/employees and Executive/Supervisory Officers, though all the workers of BP and BH of Bhowra colliery are supplied coal for domestic fuel purpose from the nearby 28 quarry and it is in continuous process. They alleged that Female Security Guards, namely, Pari Rai, Laxhi Modin used to come with 3-4 other Security Guards at 28 quarry and demanded Rs. 20/- each for taking coal for domestic fuel in spite of existing supply of free coal and on refusal of their demand they were being threatened with dire consequences and also threatened them obstruction in stealing coal from the said quarry. Over such threatening the employees submitted representation against those female security guards and others to the Project Officer, Bhowra O.C.P. on 27-10-93. The matter was also published in Daily News Paper ‘Janmat’ dated 9-11-93. Accordingly, said Smt. Lakhuri Modin to take revenge lodged a false complaint against the concerned workman to the Dy. Chief Engineer, Bhowra on 31-10-93 and also lodged F.I.R. at Sudamdih TOP, Jorapokhar P.S. The said F.I.R. was registered as case No. 404/93 dated 31-10-93. Over the self same alleged incident the Disciplinary Authority issued a chargesheet vide Ref. No. BCCL/BCP/XI/93/PER/1171

dated 3-11-93 against the concerned workman. Another charge-sheet also was issued to Smt. Simla Mahtain dated 6-11-93. There after suspended the concerned workman for more than ten days without paying subsistence allowance during the pendency of the enquiry.

They further alleged that the charge-sheet was issued by the Dy. Chief Engineer, Bhowra (BP & BH) Plant who was not competent authority to issue charge-sheet against the concerned workman as disciplinary authority. He was also not appointing authority under clause 6 of the Certified Standing Orders for workmen under establishment of B.C.C.L. and also under the provision of Section 17 of the Mines Act, 1952. As the charge-sheet was issued by an officer who was incompetent to issue is liable to be vitiated and the action taken thereon subsequently also will be liable to be vitiated. It has been further submitted by the sponsoring union that the allegation as per chargesheet brought against the concerned workman are false, concocted and the same was done with some motive with a view to implicate the concerned workman falsely for the reason best known to the management. They further submitted that the concerned workman as well as Smt. Bimla Mahtain, who were made accused in a criminal case, have already been acquitted from all the charges brought against them by order of the learned Magistrate. They further submitted that the Enquiry Officer conducted domestic enquiry and submitted his report against the concerned workman being implicated by the management and relying on the said report the management illegally, arbitrarily and violating the principle of natural justice dismissed the concerned workman from her service. Accordingly, they raised an industrial dispute for conciliation which ultimately resulted reference by the Ministry to this Tribunal for adjudication.

3. The management, on the contrary, after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in their written statement submitted on behalf of the concerned workman. They submitted that the concerned workman was served with a charge-sheet dated 5-11-93 containing the allegations that on 31-10-93 she committed misconduct of theft, fraud or dishonesty in stealing away coal from 28 quarry along with others and in doing so she assaulted the female security guard, Smt. Pari Rai and Smt. Lakhuri Modin when they raised their objection while coals were stealing away from 28 quarry. The concerned workman submitted their reply denying all the charges brought against her, but as the reply given by her was not satisfactory the disciplinary authority appointed Sri C.S. Dubey, Dy. Personnel Manager, Bhowrah Coke Plant as Enquiry Officer and Sri A.K. Singh, Dy. Personnel Manager, Bhowra open cast Project as management representative. They submitted that after giving due notice to the concerned workman the Enquiry Officer started hearing of domestic enquiry proceeding and the concerned workman fully defended her case through her co-worker, Sri Dilip

Chakraborty, Joint Area Secretary, Bihar Colliery Kamgar Union. After completion of hearing the said Enquiry Officer submitted his report holding the concerned workman guilty to the charges and the Disciplinary Authority after considering all the material facts including the report dismissed the concerned workman from her service by letter dated 27-12-93. They submitted that the order of dismissal issued by the disciplinary authority was legal, proper and there was no question of violating the principle of natural justice in passing the said order. In view of the facts and circumstances stated above the management submitted prayer to pass award rejecting the claim of the concerned workman.

**Point to be decided :**

4. "Whether the action of the management in dismissing Smt. Panchami Mahtain from the service of the company is justified? if not, to what relief the concerned workman is entitled?"

**Finding with reasons :**

5. It transpires from the record that before taking up hearing of this case it was taken into consideration whether the domestic enquiry held against the concerned workman by the Enquiry Officer in view of the chargesheet issued by the disciplinary authority was fair, proper and in accordance with the principles of natural justice or not. The said issue on preliminary point was disposed of in the affirmative vide order No. 41 dated 3-12-2003. Accordingly, here the point for consideration is whether the charge levelled against the concerned workman has well been established against her or not and if so, whether the concerned workman is entitled to get any relief under Sec. 11-A of the Industrial Disputes Act.

During evidence the charge-sheet which was issued against the concerned workman, Smt. Panchami Mahtain, was marked as Ext. M-2. It is seen that five-fold charges have been brought against the concerned workman and it was issued to her under the signature of Deputy Chief Engineer, Bhowra (BP & BH) Plant. The charge-sheet which was brought against the concerned workman is as follows :

"It has been reported to the undersigned that on 31-10-93 you were engaged in stealing coal alongwith several others from 28 Quarry in the morning hours. At about 6.00 a.m. on the above date Smt. Pari Rai, Female Security Guard of BCCL objected you from stealing of coal from 28 Quarry and thereafter you challenged here alongwith others and started assaulting her (Smt. Pari Rai), physically. On raising alarm by Smt. Pari Rai, Security Guard, you fled away. At about 8.00 a.m. on the above date again you assembled at 28 Quarry Coal Depot with several others and started looting of coal. The female Security Guard Smt. Lukhri Modin who was on duty at that time at the above stated particular place, objected you from carrying coal unauthorisedly, but you attacked her (Smt. Lukhri Modin)

and took leading part in assaulting Smt. Lukhri Modin, Security Guard, mercilessly with lathi & sharp weapons, resulting into serious wound on her forehead. You assaulted her so brutally that she (Smt. Lukhri Modin) became un-conscious. In the meanwhile Smt. Pari Rai, other female Security Guard reached there and she was badly assaulted by you. You would have beaten them more if workers working nearby have not rushed towards the site of incidence after hearing the alarm raised by the Security Guard.

Your above acts constitute serious misconduct within the meaning of the Certified Standing Orders under clauses 26-1-4, 26-1-10, 26-1-11, 26-1-14 and 26-1-20 applicable for the workmen of this establishment of BCCL, which read as follows :—

- 26-1-4 : "....., riotous or disorderly behaviour, the reatening or coercing other workmen or interference with the work of other workmen."
- 26-1-10 : "Habitual indiscipline, or wilful insubordination or disobedience of any lawful or reasonable order of higher authority."
- 26-1-11 : "Theft, fraud or dishonesty in connection with Company's business or property."
- 26-1-14 : "Assaulting or intimidating workmen/employees of the Company in the Company's work premises or estates."
- 26-1-20 : "Any breach of the Mines Act, 1952 or any other Act or any Rules, Regulations or byelaws thereunder or of any Standing Orders."

You are hereby asked to submit your written explanation within 7 days of the receipt of this memo of chargesheet as to why disciplinary action should not be taken against you. If you fail to submit your written explanation within the stipulated period it will be presumed that you have no explanation in support of your defence and the charge levelled against you will be disposed off without any further reference to you.

You are hereby suspended forthwith."

From the contents of the charge-sheet it transpires that when the Security Guard, Smt. Pari Rai objected the concerned workman from stealing coal from 28 Quarry she was challenged by the concerned workman in association with others and started assaulting her physically. The said incident took place about 6 a.m. in the morning. On raising alarm the concerned workman fled away. Thereafter at 8 a.m. on the same date i.e. 31-10-93 again the concerned workman came in association with several others at 29 Quarry Coal Depot and started looting of coal. When the said security guard, Smt. Pari Rai and another security guard, Lukhri Modin who were on duty raised objection were attacked by the concerned workman and her associates and thereafter started assaulting them mercilessly with lathi



and sharp weapons and for which said Smt. Lukhri Modin sustained serious bleeding injury on her forehead and she became un-conscious. Thereafter on her cry Smt. Pari Rai, other female security guards rushed to the spot and rescued the injured from the hands of the concerned workman and associates. The concerned workman thereafter fled away with her associates. Therefore, considering the charge-sheet it transpires that on 31-10-93 over the incident of stealing coal from 28 Quarry two separate incidents took place, first incident took place at 6 a.m. in the morning while second incident took place at 8 a.m. in the morning. During first incident the concerned workman and her associates left the place after threatening the security guard, but during second incident which took place at 8 a.m. the concerned workman and her associates again returned back to the place of occurrence armed with lathi and sharp weapons and started stealing coal from 28 Quarry. As the security guards on duty named Smt. Pari Rai and Smt. Lukhri Modin raised their protest the concerned workman and her associates started assaulting Lukhri Modin with lathi and sharp cutting weapon and for which she sustained serious bleeding injury on her forehead and became un-conscious and thereafter she was hospitalised. It is admitted fact that over the alleged incident on F.I.R. was lodged at local P.S., Jorapokhar. It is further seen that the police after investigating submitted charge-sheet against the concerned workman and others under Sec. 323, 324, 341, 353 and U/s. 379/34 Ex. I.P.C. After completion of trial learned Magistrate, Dhanbad acquitted the concerned workman and other persons from all the charges brought against them. The certified copy of the judgement during hearing was marked Ext. W-5. It is seen from the contents of the judgement that the concerned workman and other accompanied persons were acquitted from the said criminal case as prosecution failed to substantiate the charges brought against them.

6. It is seen that simultaneously the management initiated departmental enquiry proceeding against the concerned workman in view of the charge-sheet issued to her. The report of the Enquiry Officer during hearing was marked as Ext. M-5/1. It transpires from the enquiry proceeding papers that the Enquiry Officer during hearing recorded statement of R.B. Yadav, A.S.I. (Security) as MW-1, N.K. Verma, Sr. Security Inspector as MW-2, Smt. Pari Rai as MW-3, Smt. Lukhri Modin, female Security Guard as MW-4 and Gopal Chatterjee, Despatch Clerk as MW-5. The Enquiry Officer also recorded the statement of Smt. Panchami Mahatain, Samruddin Mia, H.N. Singh, Supervisor, BH Ovens. All the witnesses were duly cross-examined by both sides. From the statement of R.B. Yadav it transpires that Smt. Pari Rai and Smt. Lukhri Modin were on duty on 31-10-93 at 28 No. Quarry's Coal Depot from 6.00 a.m. to 2.00 p.m. He disclosed that when both the female security guards came for duty at the said place they found a number of villagers (male and female) were engaged in stealing coal unauthorisedly. When Smt. Pari Rai raised

objection those villagers started assaulting Smt. Pari Rai and snatched away her golden nose pin from her nose. In the midst of that assault she managed to escape and came to the office and thereafter telephoned to the Project Officer over the incident. Thereafter Smt. Pari Rai alongwith Driver rushed to his quarter and reported the matter. Thereafter this witness came to Mohulbani Check Post and met Shri N.K. Verma, Sr. Security Inspector and Shib Yadav and reported the incident in question. Thereafter he came to the spot at about 8.15 a.m. and found some employees of the Project were trying to control the situation. He further disclosed that as soon as he reached the mob involved in the assault fled away. He further disclosed that he found injury in the fore-head of Smt. Lukhri Modin and bleeding profusely and Smt. Pari Rai received serious injury to her person and her cloth was torn out. He further disclosed that from the mob he identified some persons but did not disclose their names. Thereafter Smt. Lukhri Modin and Smt. Pari Rai were taken to Sudamdih P.S. where the police recorded their statement separately. Thereafter they were taken to Bhowra Hospital where the wound of Smt. Lukhri Modin was stitched.

Shri N.K. Verma, Sr. Security Inspector did not see the incident with his own eyes. He disclosed that while he was going to attend duty alongwith Shri Shib Yadav, Habildar, on the aforesaid date at about 8 a.m. he met R.B. Yadav at Mohulbani Check-post and heard the incident from him. He further heard from R.B. Yadav that Smt. Pari Rai and Lukhri Modin, both female security guards, were assaulted at 28 No. Quarry by some coal thieves. On hearing the said incident he rushed to the spot and received information of the incident in question from the Manager. It is seen from his statement that a mob came to the place of occurrence and engaged in stealing coal and in course of that incident they assaulted Smt. Lukhri Modin and Smt. Pari Rai as a result of which they sustained injury to their persons. Smt. Pari Rai while giving her statement disclosed that the concerned workman was a member of the said mob who were engaged in stealing coal. She disclosed further that as she raised her protest the concerned workman caught hold her hand and thereafter her golden earring and golden pin were snatched by the members of the said mob. In the meantime Smt. Lukhri Modin came to the spot and they jointly raised alarm. On hearing their alarm the employees of Quarry No. 28 rushed to the spot and the assailants fled away. After that she went to the Attendance Room and requested the Attendance Clerk to inform the matter to the Security Officer at colliery office over telephone. Over telephone the Project Officer asked her to go to the quarter of Shri R.B. Yadav and to report the incident in question. On receiving the said instruction she went to the quarter of Shri R. B. Yadav in a jeep and reported the incident in question and thereafter he returned back to the place of occurrence with a view to perform her duty. Thereafter at about 7-30 a.m. she found the same set of persons again were engaged in stealing coal from the said Quarry. On

seeing the incident when she raised her protest the mob started abusing her in filthy language and thereafter they started assaulting her and Smt. Lukhri Modin. She further disclosed that Panchami Mahatain i. e. the concerned workman hit fore-head of Lukhri Modin with an iron rod and for which she fell down sustaining serious blood injury on her forehead. She also sustained injury to her person while that incident was going on. She found other security officers, R.B. Yadav and N.K. Verma coming to the spot and thereafter they were rescued by them and the miscreants fled away. If the statement of Smt. Lukhri Modin is taken into consideration it would show that she found the concerned workman and others were engaged in assaulting Smt. Pari Rai. Thereafter they telephoned and over the telephone they received instruction from the officers about their arrival there. After telephone they came to place again and found those persons were engaged in stealing coal. When they raised their objection the concerned workman and others hit her with iron rod and as a result she fell down. She further submitted that Smt. Pari Rai also was assaulted by the members of the mob. The statement of Gopal Chatterjee, Despatch Clerk, shows that they received a complaint from the villagers dated 2-11-93 through Taarani Kumar which was duly diarised as Sl. No. 1454 in the despatch register. He admitted that the said complaint was put up before the Project Officer on the date of its receipt. During cross-examination Smt. Pari Rai admitted that Smt. Lukhri Modin was assaulted by Brij Mohan. She submitted that the name of Brij Mohan was disclosed as assailant of Smt. Lukhri Modin by rod being pressurised by Chhota Babu of Sudamdih Police Station.

7. Now, considering the statements of these witnesses as discussed it shows clearly that neither R.B. Yadav nor N. K. Verma witnessed the said incident with their own eyes. They came to know about the incident being narrated by Smt. Pari Rai, female Security Guard. It has been specifically mentioned by R.B. Yadav that a mob was engaged in stealing coal and said Smt. Pari Rai and Smt. Lukhri Modin were assaulted by the members of the said mob when they raised their protest. Now here from the statement of R.B. Yadav it could be ascertained if Smt. Pari Rai or Smt. Lukhri Modin disclosed the name of the concerned workman as either one of the members of the said mob or these are assailants. Sri N. K. Verma also during his giving statement did not disclose about involvement of the concerned workman in assaulting Smt. Pari Rai and Smt. Lukhri Modin or stealing away gold ornaments from the possession of said Smt. Pari Rai. It is seen that immediately after first incident said Smt. Pari Rai as per direction rushed to the quarter of R.B. Yadav and there she reported the incident to him. It is really astonishing to note that at the time of giving statement to R.B. Yadav she did not disclose the name of the concerned workman about her involvement in assaulting them. Before Sri R.B. Yadav she also did not disclose stealing of her ornaments from her possession by the concerned workman. It has

been further admitted by Smt. Pari Rai during cross-examination that she disclosed the name of Brij Mohan whom she saw to assaulted Smt. Lukhri Modin. Therefore, onus absolutely rests on the management to establish that the concerned workman was involved in assaulting Smt. Pari Rai and Smt. Lukhri Modin. In this connection the evidence of Sri H.N. Singh, Bhatta Supervisor may be taken into consideration. During cross-examination Sri H.N. Singh submitted that the concerned workman, Smt. Panchami Mahatain came to her place of duty at 6-45 a.m. He disclosed that he allowed her for duty in late for work as there was requirement to that effect. No cogent evidence is forthcoming on the part of the management to show that Sri H.N. Singh, Bhatta Supervisor, under whom the concerned workman worked, made false statement to save her. Therefore, it is clear that from 6.45 a.m. in the morning the concerned workman was on duty. If this fact is taken into consideration it is unbelievable to arrive to any such conclusion that the concerned workman as per chargesheet was present at the place of occurrence alongwith her associates in stealing coal and thereafter assaulted Smt. Pari Rai and Smt. Lukhri Modin with Iron rod and sharp cutting weapons. The fact disclosed in the chargesheet finds no bearing at all with the statement given by the witnesses of the management as stated above. It is seen that at the time of assault when the injured raised alarm the workers of 28 Pits rushed to the spot and rescued them. Therefore, those who rescued the injured should be considered as eye witness to the incident in question, but with utter surprise it transpires that the management did not consider necessary to examine a single eye witness with a view to substantiate the allegation in question. The management also did not consider necessary to assign any reason why they have failed to examine eye witness in support of their claim. It has been submitted by the management that the injureds were taken to Bhowra Hospital where they received treatment and in course of hearing the management failed to produce any such medical paper to show that actually they received treatment from the said hospital. The management also did not consider necessary to examine the Medical Officer who treated the injured with a view to ascertain if the injured made any statement to him how the sustained injury to their persons. This should be considered as a vital lacuna on the part of the management. The statement of the management's witness appears to be contradictory excepting the statement of Smt. Pari Rai and Smt. Lukhri Modin the management have failed to examine any eye witness. The statements of these two witnesses appear to be contradictory and for which there is little scope to give much importance on the same. I have considered the judgment passed by the learned Magistrate and I find that the learned Magistrate on cogent footing acquitted the accused persons from all the charges brought against them. It is really curious to note that specific allegations of theft have been brought against the concerned

workman, but the management have lamentably failed to produce a single chunk of coal which was seized from her possession. There is no material evidence against her relying on which there is scope to say that the concerned workman was very much engaged in stealing coal from quarry No. 28.

After careful consideration of all the facts and circumstances stated above I hold that the management have failed to produce an iota of evidence relying on which the charge brought against the concerned workman under clause 26-1-10 could be substantiated. They have also failed to establish the charges brought against the concerned workman under clause 26-1-11 and 26-1-20 of the certified standing orders. As relates to offences committed under clause 26-1-4 and 26-1-14 I have made a detailed discussion above and after considering all the material facts I find sufficient reason to hold that the management also have failed to substantiate these charges against the concerned workman. Therefore, it is clear that though five-fold charges have been brought against the concerned workman the management have failed to substantiate the same. It is seen that just on the submission of the injureds the chargesheet was issued against the concerned workman but to establish the charge the effort which expected to be required, the management have failed to exert the same. Series of allegations the management have brought against the concerned workman. There is no dispute to hold that coals are solen away from the pit of the Depot. Several miscreants are involved in committing such mischief. The security gaurds are there but it is seen that they are not so much vigilant to check such mischievous activities. On the date of incident the miscreants definitely came to the spot with a view to steal coal from the place of occurrence. This fact is to be considered with different angle. But the onus absolutely lies on the management to establish that the concerned workman being a member of those miscreants who actively participated not only in assualting the injureds but also was engaged in stealing coal. It is seen that the concerned workman was under control of Shri H.N. Singh, Bhatta Supervisor who during his statement disclosed categorically that the concerned workman reported for duty at about 6.45 a.m. in the morning. He was a staff of the management and not a man of the concerned workman, therefore, it was duty of the management to establish that Shri H.N. Singh deposed falsely to save the concerned workman, but they have failed to do so.

8. After careful consideration of the facts and circumstances discussed above I hold that the management have failed to establish the charges brought against the concerned workman beyond all reasonable doubt and for which the order of dismissal issued against the concerned workman is liable to be set aside as I consider that the disciplinary authority did not apply their mind in arriving into conclusion legally. Therefore, I hold that the management illegally, arbitrarily and also violating the principles of natural justice dismissed the concerned

workman from service. Accordingly, she is very much entitled to get her reinstatement with effect from the date of dismissal with full back wages and consequential relief.

9. In the result, the following award is rendered-

10. The action of the management in dismissing Smt. Panchami Mahatain from the service of the company is not justified. Accordingly, she is entitled to get her reinstatement w.e.f. the date of dismissal with full back wages and consequential relief. The management is directed to reinstate the concerned workman w.e.f. the date of dismissal with full back wages within three months from the date of publication of the award in the official Gazette.

B. BISWAS, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2004

का.आ. 2471.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 74/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-2004 को प्राप्त हुआ था।

[सं० एल.-20012/132/96-आईआर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 3rd September, 2004

S.O. 2471.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 74/97) of the Central Government Industrial Tribunal/Labour Court, Dhanbad II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 2-9-2004.

[No. L-20012/132/96-IR (C-I)]

S. S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 DHANBAD

#### PRESENT:

SHRI B. BISWAS, Presiding Officer

In the matter of a reference under Section 10(1) (d) (2A) of the Industrial Disputes Act., 1947.

REFERENCE NO. 174 OF 1997

#### PARTIES:

Employers in relation to the management of Block-II Area of M/s. BCCL Ltd.

#### AND

Their Workmen.

#### APPEARANCES:

For the employers

: Mr. D.K. Verma, Advocate



For the workmen : Mr. B. N. Singh,  
Authorised  
Representative.

State : Jharkhand : Industry : Coal.

Dated, the 16th August, 2004

### AWARD

By Order No. L-20012/132/96-IR(C-I) dated 26-6-97 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

### SCHEDULE

"Whether the demand of the Union for the promotion of S/Shri Krishna Sharma, Rajaram Mehta, Sailendra Kr. Verma, Gopal Pd. Sah, Md. Quiyan, Satish Kumar, William Topno, Rajesh Kr. Sinha and Lazmi Choudhury in Grade 'D' is justified? If so, to what relief are the concerned workmen entitled?"

2. The case of the concerned workmen according to Written Statement submitted on their behalf, in brief is as follows :—

The sponsoring union submitted that the concerned workmen are permanent employees of Block-II O.C.P. under Block-II Area of the management. They submitted that these workmen have been deprived of their legitimate promotion in higher grade though they are performing their duties quite efficiently to the entire satisfaction of the management. They submitted that the concerned workmen for long years rendering their services in a particular grade without giving any benefit in the matter of promotion to higher grade though they have achieved their requisite experience for their promotion. They alleged that due to anti-labour practice of the management the concerned workmen have been deprived of getting their promotion in the higher grade. The management did not find necessary to consider their promotion even after submission of representation by the concerned workmen as well as by the sponsoring union, though the management received work from them higher grade i.e. Grade 'C'. Accordingly, they raised an industrial dispute for conciliation which ultimately resulted reference to this Tribunal for adjudication.

3. The management, on the contrary, after submitting written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workmen. They submitted that the concerned workmen are working as Operator in Ext. Grade and they have been rightly placed in Grade 'E' from the date of their entry to the post of operator in the said Excavation Cadre. They were placed Grade 'E' between the period from 1988 to 1990 and they are attached to different fitters or E.P. Electricians for

assisting them in performance of their duties. As the helpers are fixed in Grade 'E' as per NCWA they continue in that grade from the date of their fixation. They submitted further that it is not practicable for promoting the helpers as fitters just after completion of three years of experience as helper in Grade 'E'. The promotion can only be effected after considering suitability of the helper to work as fitters or electricians by the DPC. The DPC is constituted by the management with a view to conduct trade test and examine their individual capability for carrying on the jobs of the fitters and thereafter they prepare a panel of helpers in Grade 'E' for their promotion in order of seniority in the list so prepared. They disclosed that the vacancies in the post of fitter can only arise on account of retirement or leaving employment for some reasons or other. To accommodate all the helpers working with all the fitters to become fitters just after completion of three years of experience is impracticable and impossible. They further submitted that in a new project at the initial stage promotion becomes rapid because vacancies in higher posts may exist, but in course of time it becomes very difficult to find out vacancies in the post of fitters to accommodate the helpers as fitters by giving them promotion. After certain period a saturation point comes into play and the workmen who have been engaged as helpers may have to wait for ten years for getting their promotion, to the post of fitter in Grade 'D'. In order to avoid stagnation of workmen for more than ten years the NCWAs have provision for promoting a workman to the next higher grade after completion of ten years experience in one particular grade. As the promotion to higher grade depends on vacancy the workman cannot demand for the same on automatic basis after completing a minimum period of experience as per recommendation of NCWA. In the instant case the concerned workmen have become eligible for consideration for their promotion from helpers to fitters as their cases were considered by the DPC and the matter is under consideration subject to existence of vacancies. Accordingly they disclosed that the demand of the sponsoring union for grant of promotion to the concerned workman from Grade 'E' to Grade 'D' merely after completion of eligibility period of experience is without any merit and accordingly their claim is liable to be rejected. They further submitted that the JBCCI framed the cadre scheme and the procedure for filling up vacancies and the norms required to be considered for promotion has been circulated and the management follows the same without any deviation.

### POINTS TO BE CONSIDERED :

4. "Whether the demand of the union for the promotion of S/Shri Krishna Sharma, Raja Ram Mehta, Sailendra Kumar Verma, Gopal Prasad Sah, Md. Quiyam, Satish Kumar, William Topno, Rajesh Kumar Sinha and Lazmi Choudhury in Grade 'D' is justified? If so, to what relief are the concerned workmen entitled?"

**FINDING WITH REASONS :**

5. The sponsoring union with a view to substantiate their claim examined as many as five witnesses as WW-1, to WW-5. On the contrary, the management also in support of their claim examined one witness as MW-1.

WW-1 during his evidence disclosed that he is working as Group 'E' employee under the management since 1987. He passed school final examination and got I.T.I. Certificate and apprenticeship certificate. This witness disclosed that since 1991 he is discharging his duties as fitter though the management is not paying wages for the same. This witness alleged that R. K. Sharma, Vijay Prasad, Khalifa Pandey, Dinesh Prasad, Lal Babu Shah have got their promotion in Grade 'D'. He admitted that they have got promotion by order of the management in view of recommendation made by D.P.C. He disclosed that in the Excavation Section 32 workers including fitter helpers and others worked and a gang was formed consisting of seven heads. This witness during his evidence has failed to mention if there existed any vacancy of fitter or not and admitted that he is working as helper of fitter although since his appointment. WW-2 during his evidence admitted that no workman is eligible to perform the work of mechanic and electrician without authorisation certificate by the management. He further disclosed that no order has yet been issued for promoting any fitter helper to the post of fitter. However, he admitted that he was not aware if any vacancy of fitter in the department existed or not. MW-3 relying on the Office Orders marked Ext. W-3, W-4 and W-4/2 submitted that though he is discharging his duties as fitter the management did not consider him to regularise as fitter in Grade 'D'. It is seen from the documents is question that the designation of the concerned workman was written as fitter. I do not like to raise any dispute relating to designation disclosed in this office order but the point for consideration here is whether the concerned workman got his promotional order as fitter in Grade 'D' from Grade 'E'. During hearing the sponsoring union has failed to produce any such paper in support of their claim. On the contrary from the document marked as Ext. W-1 which is considered as a certificate it transpires that as there was shortage of fitter the concerned workman started working as fitter independently. This certificate was issued by an officer of the management without verifying under which capacity the said concerned workman was allowed to work as fitter and whether any order to that effect was issued. Therefore, on the basis of these documents which WW-3 relied on there is no scope to arrive any conclusion that he got his promotion to perform his duties as fitter. On the contrary, the concerned workman during his cross-examination admitted that authorisation is very much required from the competent authority to work as fitter. He admitted further that he did not receive any such authorization from the competent authority to work as fitter. Therefore on the basis of his own admission there is sufficient scope to

draw conclusion that the concerned in addition to his duty as helper sometime used to work as fitter in his personal capacity and without any order and the callous Project Officer without verification if the concerned workman was authorised by the competent authority to work as fitter issued Office Order showing his designation as fitter. Evidence of WW-4 and WW-5 have corroborated the evidence of WW-1 and WW-2 in support of their claim. Considering their evidence I find no dispute to hold that the concerned workmen possessed requisite academic qualification and also passed practical training to get themselves fit and competent for promotion in the post of fitter Grade 'D'. It is the contention of the sponsoring union that in spite of possessing requisite qualification and also in spite of rendering service for long and also fulfilling condition the management refused to give them promotion to the post of fitter in Excavation Grade 'D'. They submitted that it was absolutely wilful negligence of the management and due to their anti-labour policy the concerned workmen have been deprived of getting their rightful claim. MW-1 on the contrary in course of his evidence disclosed that after obtaining training the concerned workmen were posted in Excavation Grade in Category 'E' as helper. He disclosed further that as per Cadre Scheme there is no provision to get promotion in Excavation Grade 'D' automatically. To get promotion in Excavation Grade 'E' from Grade 'D' three conditions are required to be fulfilled by a workman, namely—

- (i) he must possess experience of atleast three years;
- (ii) his name must be recommended by D.P.C.;
- (iii) there should be vacant post for his place.

This witness disclosed further that in the year 1996 when the sponsoring union raised industrial dispute there was no vacancy in Excavation Grade 'D' and accordingly as the concerned workman by that time completed ten years of service they issued order of SLU in favour of the concerned workman to get wages in higher grade. MW-1 submitted that the concerned workman not only refused to accept the wages in higher grade as per SLU but also submitted representation for getting their promotion through D.P.C. The S.L.U. Order passed in favour of the concerned workman during his evidence was marked Ext. M-1 while the representation submitted by the concerned workman refusing to accept promotion as per SLU were marked as Ext. M-2 series. It has been submitted by MW-1 that considering representation of the concerned workman they arranged for D.P.C. and directed them to appear before the said D.P.C. and thereafter D.P.C. recommended the names of the concerned workmen for their promotion to Excavation grade 'D' and on the basis of that recommendation the management issued Office Order accordingly and hereafter promotional order was issued in their favour marked as Exts. M-3 to M-3/3 and accordingly the concerned workmen accepted their promotion in

Excavation Grade 'D'. This witness categorically denied the fact that the claim of the concerned workman to get their promotion in Excavation Grade 'D' from the year 1996 from the year 1996 was not justified. This witness further disclosed that the management did not commit any illegality in refusing the claim of the concerned workmen.

6. Now, considering the evidence of the concerned workmen as well as MW-1 it is clear that the concerned workmen got initial promotion in Excavation Grade 'E' as helper after completion of their training period. There is also no dispute to hold that all the workmen possessed requisite academic qualification and practical training for claiming their promotion in Excavation Grade 'D' as fitter. It is also admitted fact that the concerned workmen were stagnated in Excavation Grade 'E' helper fitted for more than ten years. It is their contention that when they fulfilled their requisite qualification and experience to get their promotion in Excavation Grade 'D' the management arbitrarily ignored their claim. On the contrary, the claim of the management is that promotion in Grade 'D' Fitter depends on fulfilment of three conditions, namely, viz, he must possess experience of atleast for three years, his name must be recommended by D.P.C. and existence of vacancy. There is no dispute to hold that the concerned workmen possessed requisite qualification and experience and therefore they fulfilled the first criteria for claiming their promotion is Grade 'D'. It is admitted fact that the promotion in Grade 'D' fitter is filled up by the management as per recommendation of D.P.C. till issuance of the order of S.L.V. no D.P.C. was formed for considering the promotion of the concerned workmen. It has been claimed by the management that as upto 1996 there was no vacancy for the post of Fitter Grade 'D' they did not find any scope to form D.P.C. to take test of the concerned workmen for considering their promotion in Grade 'D' and for which they issued the order under S.L.U. in favour of the concerned workmen for their benefit. It is admitted fact that the concerned workmen refused to draw higher wages as per S.L.U. and intended to face D.P.C. for considering their promotion in Excavation Grade 'D'. The management accordingly formed D.P.C. and asked the concerned workmen to appear and thereafter on recommendation of D.P.C. they were promoted to Excavation Grade 'D' as fitters and accepting the said promotion they are discharging their duties as fitter in Grade 'D'. Considering the submissions of both sides it is clear that filling up a vacancy in higher post depends on existence of vacancy and when the said vacancy comes into existence the D.P.C. is formed to get recommendation of the name of the workman for his promotion in the higher post. In course of hearing the sponsoring union have failed to produce any material fact to show that in spite of existence of vacancy in Excavation Grade 'D' the management intentionally refuse to form D.P.C. with the intention to deprive them from getting their promotion. The intention of the management will be substantiated when considering stagnation of the

concerned workmen in the same post for more than ten years they issued order of S.L.U. I consider that fulfilment of requisite qualification to get promotion in higher post, *ipso facto*, does not authorise a workman to place his claim for promotion if no vacancy to the higher post is existed. JBCCI has clearly made out a guideline which requisite qualification and minimum experience are required for claiming promotion of a workman from his existing post to the higher post. It does not mean that the moment a workman fulfils the condition is eligible to place his agitation for his promotion to that higher post. As formation of D.P.C. relates to existence of vacancy there is not scope to form D.P.C. until and unless clear vacancy comes in. It is submitted that the sponsoring union have made some allegations against the management for not promoting the concerned workmen in Excavation Grade 'D' but I find no hesitation to say that the sponsoring union have lamentably failed to establish the allegations brought against the management. Accordingly, I find no merit in the allegation brought against the management by the sponsoring union for not considering the promotion of the concerned workmen in Excavation Grade 'D' in view of their demand.

7. On Careful consideration of all the materials on record it is clear that after existence of vacancy the management formed D.P.C. and asked the concerned workman to appear there and thereafter on recommendation of D.P.C. they issued order of promotion in favour of the concerned workmen in higher post. It is seen that accepting the said promotional order the concerned workmen are working there in the said higher post. As the sponsoring union have failed to establish any illegibility done by the management in not considering the promotion of the concerned workmen in due course of time, I find sufficient reason to hold that the allegation is found to be untenable as it has no merit.

8. In the result, I render the following award :

The demand of the Union for this promotion of S/ Shri Krishana Sharma, Rajaram Mehta, Sailendra Kr. Verma, Gopal Pd. Sah, Md. Quiyan, Satish Kumar, Willian Topno, Rajesh Kr. Sinha and Laxmi Choudhary in Grade 'D' was not justified at the time of raising industrial dispute and hence the concerned workmen were not entitled to any relief.

B. BISWAS, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2004

का.आ. 2472. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 42/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-2004 को प्राप्त हुआ था।

[ सं. एल.-20012/29/94-आईआर (सी-1) ]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 3rd September, 2004

**S.O. 2472.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 42/95) of the Central Government Industrial Tribunal/Labour Court, Dhanbad II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 2-9-2004.

[No. L-20012/29/94-IR (C-I)]

S. S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

In the matter of a reference U/s. 10(1) (d) (2A) of the Industrial Disputes Act., 1947.

#### REFERENCE NO. 42 OF 1995

**PARTIES:** Employers in relation to the management of Bhowra (South) Colliery of M/s. B.C.C.L. Ltd.

**AND**

Their workmen

**Present:** Shri B. Biswas, Presiding Officer.

#### APPEARANCES:

For the Employers : Shri H. Nath, Advocate

For the Workman : Shri K. Chakravarty, Advocate

State : Jharkhand : Industry : Coal.

Dated, the 17th August, 2004.

#### AWARD

By Order No. L-20012(29)/94-IR(C-I) dated 1-3-95 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

#### SCHEDULE

"Whether the action of the management of Bhowra (S) Colliery of M/s. BCCL in not providing employment to the dependent of Late Jhagru Majhi, Under Ground Loader is justified? If not, to what relief the concerned workman is entitled?"

2. The case of the petition/workman according to the Written Statement submitted by the sponsoring Union on his behalf, is as follows :—

The sponsoring union submitted that Jhagru Majhi was a permanent Underground Loader of Bhowra (S) Colliery. He died on 22-12-79 leaving behind his wife, daughter and son-in-law, Kismat Murmu. After the death of Jhagru Manjhi his wife/widow submitted representation before the management for providing employment to her son-in-law, Kismat Murmu on several occasions but to no effect. Seeing no other alternative the petitioner/workman raised industrial dispute before A.L.C. (C), Dhanbad. During the course of conciliation proceeding the management took the plea that Jhagru Manjhi was a casual workman and for which his dependent is not entitled for employment. They categorically denied the fact by filing written objection. As the conciliation proceeding, they submitted, ended in failure the Conciliation Officer submitted failure report and thereafter the instant reference was initiated by the Ministry and forwarded the same to this Tribunal for adjudication. They alleged that the action of the management in not providing employment to the dependent of Jhagru Majhi, Underground Loader was not justified. Accordingly, they submitted prayer for passing award directing the management to provide employment to the dependent of late Jhagru Manjhi with retrospective effect alongwith consequential benefits.

3. The management, on the contrary, after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement. They submitted that Jhagru Majhi was a casual Miner/Loader posted at Bhowra (S) Colliery and he died on 22-12-79, but before his death as he did not put in 240 days attendance in any calendar year during the period of his work his case for regularisation could not be considered by the management. They submitted that as per provisions of NCWA only the dependent of a permanent employee is eligible for employment. As late Jhagru Manjhi was working on casual basis his dependent is not eligible for employment in the company on compassionate ground. They further submitted that the sponsoring union raised the industrial dispute before the A.L.C.(C), Dhanbad on 3-8-1992 i.e. long after 13 years of the death of Jhagru Manjhi. These 13 years delay in making such demand marked the demand as stale demand and for which the claim of the sponsoring union is not maintainable in the eye of law and for which they submitted prayer to pass award rejecting the claim of the concerned workman.

#### Points to be decided :

4. "Whether the action of the management of Bhowra (S) Colliery of M/s. B.C.C.L. in not providing employment to the dependant of late Jhagru Manjhi, Underground Loader is justified? If not, to what relief concerned workmen entitled?"

#### Finding with reasons :

5. It transpires from the record that the sponsoring union with a view to substantiate claim of the petitioner

examined one witness as MW-1. The management, on the contrary, also with a view to establish their claim examined one witness as MW-1.

6. Considering the facts disclosed in the pleadings of both sides and also considering the evidence of WW-1 and MW-1 I find no dispute to hold that Jhagru Manjhi was a Minor/Loader under the management at Bhowra (S) Colliery. It is the claim of the sponsoring union that said Jhagru Manjhi was a permanent underground Loader in the said colliery. On the contrary, the claim of the management is that said Jhagru Manjhi was a casual Miner/Loader and question of his regularisation during his life time did not arise as he never put in 240 days attendance in any year preceding to his death. They further submitted that as the provision for employment or compassionate ground under Cl. 9.3.2 relates to permanent workmen the question of considering the employment to the son-in-law of late Jhagru Manjhi did not arise. From the death certificate issued by the Medical Officer, Bhowra Hospital dated 24-12-79 (Ext. W-1) it transpires that the concerned workman died on 22-12-79. According to the sponsoring union Jhagru Manjhi died leaving behind his widow, Shamli Majhian, his daughter Sukhi Majhian and son-in-law Kismat Murmu. It is admitted fact that the sponsoring union raised the present dispute in the year 1992 i.e. long after 13 years of the death of Jhagru Manjhi. No satisfactory explanation is forthcoming on the part of the sponsoring union why such long delay was made in raising the said dispute. Clause 9.3.1 of the Certified Standing Order speaks that employment would be provided to one dependent of workers who are disabled permanently and also those who die while in service. Clause 9.3.3 speaks that the dependents for those purpose means wife/husband, as the case may be, unmarried daughter, son and legally adopted son. If no such direct dependent is available for employment, younger brother, widow daughter/daughter-in-law or son-in-law residing with the deceased and almost wholly dependent on the earnings of the deceased may be considered to be the dependent of the deceased. Therefore, to claim employment under clause 9.3.3 of the Certified Standing Orders the sponsoring union are required to fulfil that the dependent who is claiming for employment lived with the deceased at the time of his death and almost wholly dependent on his earning during his life time. WW-I during his evidence disclosed that he submitted written statement being representative of the union on behalf of the concerned workman duly verified by him. He disclosed that Jhagru Manjhi was a Minor/Loader of Bhowra (S) Colliery and who died on 22-12-79 at Bhowra Central Hospital of the management owing to his ailment while he was in service. He disclosed that after the death of Jhagru Manjhi his dependent son-in-law Kismat Murmu submitted a petition before the management for his employment on compassionate ground but as the management refused to give any employment to him they raised an industrial dispute before the A.L.C.(C), Dhanbad, for conciliation.

In course of hearing it transpired that the sponsoring union raised the industrial dispute before the A.L.C. (C), Dhanbad, but they have failed to submit any copy of representation submitted by the son-in-law of late Jhagru Manjhi, namely, Kismat Murmu for his employment to the management. The evidence of WW-I appears to be contradictory in relation to the facts disclosed in his written statement, while from the written statement it transpires that it was widow of late Jhagru Manjhi who submitted representation for employment of her son-in-law. WW-I submitted that it was Kismat Murmu i.e. son-in-law of late Jhagru Manjhi, who submitted representation to the management for his employment. Accordingly, onus was on the sponsoring union to establish actually who submitted representation to the management for employment after the death of Jhagru Manjhi. It is the claim of the sponsoring union that said Kismat Murmu was dependant of late Jhagru Manjhi. As per clause 9.3.3 two conditions are required to be fulfilled with a view to establish the claim of employment on compassionate ground, namely, he must show that he used to live with the deceased at the time of his death and secondly that he was almost wholly dependant on the earnings of the deceased. In Course of hearing the sponsoring union has failed to produce a single scrap of paper to show that said Kismat Murmu used to live with Jhagru Manjhi before his death. The sponsoring union also have failed to produce a single scrap of paper to show that Kismat Murmu i.e. son-in-law of late Jhagru Manjhi was almost wholly dependent on the earning of the deceased. Therefore, there is sufficient reason to hold that the sponsoring union have failed to fulfil the two vital conditions as referred to above as per Clause 9.3.3. of the Certified Standing Orders.

7. It is clear from the materials on record that the instant dispute came into existence about 13 years after the death of Jhagru Manjhi who was a workman under the management of Bhowra (S) Colliery. It should not be taken into consideration that the management is bound to provide employment to all dependents of the workers who died during the period of service. Definitely there is a provision of NCWA to consider employment of the dependent on compassionate ground but that provision is not to be considered as mandatory one and the dependent cannot claim employment as the right relying on this provision. Onus is on the dependent/sponsoring union to establish that the claim of Kismat Murmu for his employment was very imminent in nature with a view to save the family of the deceased as the bereaved family had no source of income to maintain. It is also to be established that the deceased worker was the only person on whose income the entire family depended. Therefore, imminent need to get employment is to be considered with all importance to attract the provision of Clause 9.3.3. for employment of the dependent on compassionate ground. The claim of the concerned petitioner came into existence about 13 years after



the death of Jhagru Manjhi. Therefore, this claim for employment cannot be considered as imminent in nature. On the contrary, there is sufficient reason to hold that the demand is to be considered as a stale demand particularly when the sponsoring union have failed to give satisfactory explanation why such long delay was made in placing the claim in question.

8. Accordingly, in view of the facts and circumstances discussed above, I hold that the sponsoring union have failed to substantiate the claim with cogent reason and for which there is no scope to give any relief in view of such claim.

9. In the result, the following award is rendered—

The action of the management of Bhowra(S) Colliery of M/s. BCCL in not providing employment to the dependent of late Jhagru Manjhi, Underground Loader is justified and hence the concerned petitioner/dependent is not entitled to get any relief.

B. BISWAS, Presiding Officer.

नई दिल्ली, 3 सितम्बर, 2004

का.आ. 2473.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा०को०को०लि० के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद- II के पंचाट (संदर्भ संख्या 41/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-2004 को प्राप्त हुआ था।

[सं. एल-20012/30/94-आई आर (सी-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 3rd September, 2004

S.O. 2473.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 41/95) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 2-9-2004.

[No. L-20012/30/94-IR(C-I)]

S. S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

In the matter of a reference u/s. 10(1)(d) (2A) of the Industrial Disputes Act, 1947

Reference No. 41 of 1995

**PARTIES :** Employers in relation to the management of Lodna Area of M/S. B.C.C. Ltd.

AND

Their Workman

**PRESENT :** SHRI B. BISWAS, Presiding Officer

#### APPEARANCES:

For the Employers : Shri N. Nath, Advocate.

For the Workman : Shri B. M. Prasad, Advocate.

State : Jharkhand

Industry : Coal.

Dated, the 18th August, 2004

#### AWARD

By Order No. L-20012(30)/94. I.R. (Coal-I) dated 1-3-95 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Bagdigi Colliery of Lodna Area of M/s. BCCL in terminating the services of Sri Ram Chandra Paswan, Under Ground Miner Loader, w.e.f. 23-11-90 is justified? If not, what relief is the concerned workman is entitled?

2. The case of the concerned workman according to the written statement submitted by him, in brief is as follow:

The concerned workman submitted that he was appointed as a temporary Underground Miner Loader in Group-VA vide his appointment letter No. BCCL/GM/LA/PER/EST/90/Appt/TML/3097 dated 24-7-1990 under the signature of General Manager, Londa Area and directed to report for duty to the Deputy Chief Mining Engineer/Agent, Bagdigi Colliery of Lodna Area within 15 days from the date of receipt of the said letter of appointment with the understanding that he would remain on probation for a period of three months and his service would be extended further if his work and conduct was found satisfactory. It was also mentioned in the said letter that if within that period of three months anything wrong is detected against him, he will be removed from his service. Accepting the terms and conditions as laid down in the said appointment letter he joined his service. He submitted that he remained in the service for three months without any complaint and his work and conduct during three months was found satisfactory and accordingly his service was extended further, but all on a sudden vide letter No. BCCL/BC/PER/90/1460 dated 23-11-90 issued by Deputy Chief Mining Engineer/Agent, Bagdigi Colliery stopped him from service with the allegation of committing mischief. It has been alleged by the management that before entering in his present service he was in service at Sudamdih Police Station as Chowkidar in the name of Ram Chandar Lohar and this fact was approved to the management and taking that plea, he alleged, that the management dismissed him

from his service without making proper enquiry. He alleged further that in the said letter it was also mentioned that he concealed his caste before getting his employment and to that effect the management stayed investigation and on completion of said investigation after he was found guilty they informed him to take disciplinary action against him as per provisions made in the Certified Standing Orders of the Company. The concerned workman submitted that at the time of entering into the service he clearly stated in his application that he was the son of late Sunder Paswan and he is Dushad by caste and as such he was a member of Schedule Caste. In support of his contention he submitted caste certificate issued by the local Block Development Officer who was the proper authority to issue such certificate after making proper enquiry. He submitted further that at the time of his work as Chowkidar at Sudamdih Police Station he disclosed his name as Ram Chandra Paswan S/o. Sunder Paswan and by caste 'Dusadh' but he used his title a 'Lohar' as he was adopted by one Mina Devi widow of late Shambhu Lohar during the life time of Shambhu Lohar. In support of that claim he submitted an affidavit at Sudamdih Police Station. Thereafter he got his appointment as Chowkidar under the aforesaid Police Station and in the official paper his name was recorded as Ram Chandra Lohar adopted son of Mina Devi widow of Shambhu Lohar. He submitted that he did not conceal any material fact relating to his name, address and caste, but the management illegally and arbitrarily without making proper investigation and also violating the principles of natural justice dismissed him from service. He accordingly submitted his representation for his reinstatement, but the management as did not consider his appeal he raised an industrial dispute for conciliation before A.L.C. (C) which ultimately resulted reference to this Tribunal by the Ministry for adjudication. The concerned workmen accordingly submitted his prayer to pass award directing the management to reinstate him in service.

3. The management, on the contrary, after filing written statement-cum-rejoinder have denied all the claims and allegations which the concerned workman asserted in his written statement. They submitted that Ram Chandra Paswan got his appointment as temporary miner/loader in Group-VA under Scheduled Caste/Scheduled Tribe quota subject to verification of his character and antecedents and subject to medical fitness for the period of three months only. It was clearly indicated in the terms of appointment letter that after expiry of three months his employment will be terminated. On expiry of three months period, his service was to stand automatically terminated unless and otherwise reappointed as per the said appointment letter.

Subsequently on a complaint lodged by the officer-in-charge of Sudamdih Police Station the service of the concerned workman was terminated vide letter dated 23.11.90 for getting his service fraudulently. They submitted that the officer-in-charge, Sudamdih Police Station informed

the management to the effect that Ram Chandra Paswan was working in the name of Ram Chandra Lohar as Chowkidar at Sudamdih Police Station before getting his employment under the management. They submitted that offer of appointment letter was issued to the concerned workman on his statement that he was the son of Sunder Paswan, Village - Nadipar Kujama, P.O. Lodna, District - Dhanbad. They alleged that the concerned workman got his employment by fraudulent and suppressing his real identity regarding his name and previous service and he was a member of Scheduled Caste/Scheduled Tribe, but by caste 'Lohar'. They submitted that the management did not commit any illegality or take any arbitrary decision violating the principles of natural justice in terminating the service of the concerned workman. Accordingly, the management submitted that the concerned workman is not entitled to get any relief in view of his prayer.

#### Points to be decided :

4. "Whether the action of the management of Bagdigi Colliery of Lodna Area of M/s. BCCL in terminating the services of Shri Ram Chandra Paswan, Underground Miner/ Loader w.e.f. 23.11.90 is justified? If not, to what relief the concerned workman is entitled?"

#### Finding with reasons:

5. It transpires from the record that the concerned workman with a view to substantiate his claim examined himself as WW-1. The management, on the contrary, examined one witness as MW-1 with a view to substantiate their claim.

Considering the facts disclosed in the pleadings of both sides and also considering the evidence of the concerned workman (WW-1) MW-1 I find no dispute to hold that the concerned workman got his appointment as a temporary miner/loader under the management vide No. BCCL/GM/LA/PER/EST/90/Appt/TML/3097 dated 24-07-1990 as per terms and conditions given therein. It is admitted facts that the concerned workman accepting the said terms and conditions joined his service and posted at Bagdigi Colliery. It is the allegation of the management that before getting his appointment the concerned workman was a Chowkidar at Sudamdih Police Station and he started working there as Ram Chandra Lohar and not as Ram Chandra Paswan. They submitted further that when they got information from the officer-in-charge of that Police Station they terminated the concerned workman from his service for suppressing the material fact in the application which he submitted for consideration of his appointment as miner/Loader. During evidence of MW-1 the attestation form which was submitted by Ram Chandra Paswan was marked as Ext.M-1. From this attestation form it transpires that father's name of the concerned workman was Sunder Paswan and mother's name was Rama Devi. He also disclosed the name of his brothers and sisters in the attestation form. The concerned workman submitted his

caste certificate duly issued by B.D.O duly attested by Mukhiya. In the said attestation form the concerned workman declared himself as a member of Scheduled Caste Community. The appointment letter during evidence of MW-1 was marked as Ext.M-2. From the terms and conditions of the appointment letter it transpires that the concerned workman got his appointment for three months period and his service was liable to be terminated automatically if after expiry of the said period it is not extended. There was also further stipulation to the effect that his service also may be terminated at any time without assigning any reason. Moreover, in case any thing wrong is detected about his antecedents and genuineness his service will also be terminated besides legal action to be taken against him. From the document marked as Ext. M-3 it transpires that the service of the concerned workman was terminated with immediate effect. The ground assigned in the letter of termination was that his name was different while he was in service at Sudamdih Police Station and he disclosed his different name while he submitted application for his appointment under the management.

As such conduct of the concerned workman amounted to mischief the management took the said decision. It further transpires from the letter that the management took the said decision as per oral submission of the Officer-in Charge of Sudamdih Police Station against the concerned workman. It is seen further that the management wrote letter to the D.S.P Sudamdih Police Station and the Officer-In Charge, Sudamdih Police Station to confirm if the concerned workman worked at Sudamdih Police Station disclosing his name as Ram Chandra Lohar. But the management did not receive any reply from the said office of the Police Station. Those letters addressed to the D.S.P, Sudamdih Police Station and Officer-in-Sudamdih Police Charge Station dated 20-03-92 and 15-05-92 during evidence of MW-1 has been marked as Exts. M-4 and M-5 respectively. The termination letter issued by the management was marked as Ext. M-3 was dated 23-11-90. Therefore, it is clear that before obtaining any police report from the appropriate authority just relying on oral information received from the Officer-in-Charge, Sudamdih Police Station the concerned workman was terminated from his service. From the said termination letter it further transpires which is as follows :

"Accordingly you are hereby stopped from work with immediate effect till full and factual investigation is completed. Your dues will also not be paid till the investigation is completed and received in the colliery. You may collect your legal dues after producing of investigation report from the District Authority."

In the same letter of termination the management in one place while disclosed that the concerned workman was terminated from service with immediate effect and in other place disclosed that his service was stopped with

immediate effect till full and factual investigation is completed. Stopping of service pending further investigation and report and termination of service do not bear the same meaning. There is reason to believe that the management was confused in using appropriate word before disallowing him to continue to his service. It is clear that the concerned workman was not allowed to work further under the management as miner/loader w.e.f. 23-11-90. The plea taken by the management is that while he worked at Sudamdih Police Station the concerned workman used his name as Ram Chandra Lohar and not Ram Chandra Paswan. It is seen that the concerned workman worked in the said Police Station as Chowkidar being engaged by the officer of that Police Station. WW-1 during his evidence explained the reason why and under which circumstances he used his title as 'Lohar' instead of 'Paswan' at the time of his work in the said Police Station. It is clear that the concerned did not work in the said Police Station as a regular employee of the State Government. Here the point for consideration is whether the concerned workman committed any mischief by not disclosing his title as 'Lohar' while he submitted his attestation form before the management duly signed by him. I have carefully considered the evidence of WW-1 and I find reason to hold that there was no legal authority for using the title 'Lohar' by the concerned workman while he worked as Chowkidar at Sudamdih Police Station. It is seen that the Attestation Form submitted by the concerned workman was not only duly attested by the Mukhiya, M.L.A./but also by a public servant i.e. B.D.O. In the Attestation Form the concerned workman gave full description of his family members, parent's name and address and caste. No cogent evidence on the part of the management is forthcoming to the effect that the particulars furnished by the concerned workman in the Attestation Form were false and manufactured. It is seen that the management took up investigation against the concerned workman in respect of the particulars submitted by the concerned workman as per Attestation Form. It is really astonishing to note that in course of hearing the management did not consider necessary to produce a single scrap of paper to show that the particulars furnished by the concerned workman as per Attestation Form were absolutely false and manufactured. No cogent evidence is also forthcoming before this Tribunal on the part of the management to show that the concerned workman by the caste was not of Scheduled Caste community. It is seen that just on getting verbal information from the Officer-in-Charge, Sudamdih Police Station the management terminated the concerned workman from his service without giving him any opportunity to make his submission. I have failed to understand why the management took the oral information of that officer in charge as a gospel truth before terminating the concerned workman from his service. MW-1 during his evidence admitted that no departmental enquiry was also conducted against the concerned workman. As per appointment letter



the concerned workman got his appointment for three months period and he will be automatically terminated from his service if the said period is not extended by the management. MW-1 admitted in his evidence that the concerned workman worked under the management from 24-7-90 to 23-11-90 i.e. for a period of four months. Therefore, as per terms and conditions laid down in the appointment letter marked as Ext. W-2, the service of the concerned workman was extended beyond the stipulated period of three months. It is, therefore, clear that within the said period of three months he was not terminated by the management from service. It is seen that the concerned workman continuously worked for four months under the management. Accepting the oral information received from the Officer-in-Charge, Sudamdih Police Station whose name the management did not disclose, they terminated his service they did not make any whisper if they were dissatisfied with the services of the concerned workman or not. Until and unless the particulars furnished by the concerned workman in the Attestation form are proved to be false there is no scope to draw any conclusion that the concerned workman committed any mischief. It has been admitted by the management that they took up investigation after termination of the service of the concerned workman but failed to disclose the result of that investigation. Therefore, there is sufficient reason to believe that the management without getting any fault in the particulars furnished by the concerned workman in the Attestation form terminated his service whimsically probably with a view to please that Officer-in-Charge of Sudamdih Police Station. It was absolute duty on the part of the management to hold departmental enquiry against the concerned workman and also to give him opportunity to defend his case. But neither any charge sheet nor domestic enquiry was held against him. They also did not consider necessary to publish the result of investigation which was conducted against the concerned workman.

6. Accordingly, after careful consideration of the facts and circumstances discussed above, I hold that the management illegally and arbitrarily and also violating the principles of natural justice terminated the concerned workman from his service. Accordingly, the concerned workman deserves reinstatement in his service. However, liberty is given to the management to take appropriate step against the concerned workman, if it is found during domestic enquiry that the particulars furnished by the concerned workman in the Attestation Form submitted by him under his signature appears to be false and incorrect. However, before doing so full opportunity should be given to the concerned workman to defend his case.

7. In the result, the following award is rendered—  
The action of the management of Bagdigi Colliery of Lodna Area of M/s. BCCL in terminating the services of Shri Ram Chandra Paswan, underground Miner/Loader w.e.f. 23-11-90 is not justified. Accordingly, the concerned

workman is entitled to be reinstated in his service. The management is directed to reinstate the concerned workman in his service with immediate effect. The continuity in service and other benefits including back wages to the extend of 40% will be given to the concerned workman from the date of his dismissal if it is proved that the particulars furnished in the attestation form are not false and incorrect. Liberty is given to the management to hold domestic enquiry against the concerned workman afresh, if any, over correctness of particulars given in the attestation form submitted by the concerned workman.

B. BISWAS, Presiding Officer.

नई दिल्ली, 3 सितम्बर, 2004

का.आ. 2474.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. एम. पी. डी. आई. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, श्रम न्यायालय धनबाद- II के पंचाट (संदर्भ संख्या 217/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-2004 को प्राप्त हुआ था।

[सं. एल-20012/580/98-आई.आर. (सी. I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 3rd September, 2004

S.O. 2474.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 217/99) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of C.M.P.D.I.L. and their workman, which was received by the Central Government on 2-9-2004.

[No. L-20012/580/98-IR(C-I)]

S. S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

In the matter of a reference U/s. 10(1)(d) (2A) of the Industrial Disputes Act, 1947

Reference No. 217 of 1999

**PARTIES :** Employers in relation to the management of C.M.P.D.I Ltd.

AND

Their Workman

**PRESENT :** Shri B. Biswas, Presiding Officer

**APPEARANCES:**

For the Employers : Shri A. K. Mishra,  
Personnel Officer.

For the Workman : None.

State : Jharkhand

Industry : Coal.

Dated, the 18th August, 2004

**AWARD**

By Order No. L-20012/580/98- I.R. (Coal-I) dated 17-5-1999 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

**अनुसूची**

“क्या श्री दिलीप गौराई कैंटीन के कर्मकार होने के नाते सी एम पी डी आई एल के सीधे कर्मकार माने जाने चाहिए ? यदि हां, तो इस संबंध में क्या दिनांक 15-6-98 से ठेके की समाप्ति पर उनकी सेवाएं समाप्त किया जाना विधिवत एवं न्यायसंगत है यदि नहीं, तो कर्मकार किस राहत के पात्र हैं ?”

2. The case of the concerned workman according to the written statement submitted by him, in brief, is as follows :—

The concerned workman submitted that the management maintain departmentally managed canteen in all its establishments, especially at its Headquarters located at Gondwana Place, Ranchi, exclusively for use and benefit of officials of C.M.P.D.I., employing only departmental workmen under the terms and conditions of subsisting agreement. For running the said canteen the management provides elaborate arrangements, well furnished building accommodation, equipped with electrical gadgets and other equipments, fuel and electricity. The management also provides 50% subsidy on all eatable, soft drinks, sweets, snacks, etc. for which they issue cash coupons. The concerned workman submitted that as per Agreement the industry shall not employ labour through contractor or engage contractors labour on the jobs of perennial or permanent nature and all such jobs shall be done invariably by employing regular workmen and even on jobs which are legally permissible to employ contract labour, the management as principal employer shall monitor and supervise the implementation of Labour Laws as applicable to contract labour and shall discharge all its obligations under the provision of Contract Labour (Regulation & Abolition) Act, 1970 and Contract Labour (Regulation & Abolition) Central Rules, 1971. He submitted that the maintenance of canteen in C.M.P.D.I. incidental to and necessary for the main business of C.M.P.D. I.L., it is perennial in nature ever since 1978 and such nature of work is done ordinarily through regular workman like that of C.M.P.D.I., Guest House and Staff Training College. He disclosed that since 1978 the C.M.P.D.I. canteen was being managed by appointing employer's Agent who is camouflage contractor without any legal or valid contract agreement. The contractor was changing from time to time while the workman remained the same who were employed in the said canteen. No such alleged contractor ever

possessed any licence under Section 12 of the Contract Labour (Regulation & Abolition) Act, 1970 nor the C.M.P.D.I., ever registered themselves as Principal Employer under the provisions of Section 7 of the Act. He submitted that he was employed for the work of C.M.P.D.I.L. and for the job of bearer w.e.f. 3-10-89 through so-called contractor who had no licence under the provision of Contract Labour (Regulation & Abolition) Act, 1970. He alleged further that the management without showing any reason dispensed with his service w.e.f. 15-6-1998 though he with all faithfulness and loyalty served the management continuously for long ten years. He disclosed that from 3-10-89 to 15-6-98 he rendered his service continuously under the management and the job which he performed was permanent in nature. He alleged that since the date of appointment in the said canteen w.e.f. 3-10-89 the management refused to pay him minimum wage in relation to the wage which departmental worker draws rendering equivalent job. He submitted that since the said contractor was a sham contractor he is to be considered as workman of the management w.e.f. 3-10-89 and his removal from service should be treated as illegal, arbitrary and in violation of the principle of natural justice. He disclosed that as the management refused to reinstate him in service inspite of representation he raised an industrial dispute for conciliation which ultimately resulted reference to this Tribunal for adjudication.

The concerned workman accordingly submitted prayer to pass award directing the management to reinstate the concerned workman w.e.f. 15-6-98 with full back wages and other consequential relief.

3. The management, on the contrary, after filing written statement have denied all the claims and allegations which the concerned workman asserted in his written statement.

The management submitted that prior to making reference to this Tribunal the concerned workman on two occasions raised similar dispute alongwith others, the first on 30-3-91 and again on 30-1-97. In those two occasions the Ministry decided not to make reference for adjudication as the concerned union failed to establish the demand of the workman. They submitted further that the Union of India two times earlier refused to refer the dispute as there was no merit in the same. They submitted that the contractor who is appointed for running the canteen was responsible for payment of wages and other benefits to his workers. In the instant case the concerned workman was engaged by a contractor who as per contractual agreement used to run the canteen and thereafter the said contractor terminated him from his service. Accordingly, no relationship of employer and employee ever grow up in between the management and the concerned workman. They submitted that it was the contractor who was the principal employer of the concerned workman but in raising the said industrial

dispute he did not consider necessary to make the contractor as a party in this reference. They disclosed that there was no obligation on the management either statutory or otherwise to run any canteen. In referring a decision of Hon'ble Apex Court they submitted that Hon'ble Apex Court defined existence of three types of canteens, namely, (i) Statutory canteens, (ii) Non-statutory recognised canteens and (iii) Non-statutory and non-recognised canteen. According to the definition as laid down the canteen run by the contractor in C.M.P.D.I. is non-statutory and non-recognised canteen because neither there is any statutory provision nor any obligation upon the management to run any canteen. They disclosed that they have only a limited role to play regarding the functioning of contractor and do not have any control whatsoever on the employees engaged by the contractor. Regarding the attendance, sanctioned of leave, appointment of workers and their termination are the functions of the contractor and their work is supervised and controlled by the contractor and the management have no manner to interfere with the work of the contractor. They only provided a space for running the canteen and other facilities and makes subsidy and certain condition for conducting the canteen in a good hygienic and efficient manner but such conduct cannot in any manner point out any obligation to the management to provide canteen for the employees. They further submitted that Section 10 of the Contract Labour (Regulation & Abolition) Act does not speak of automatic absorption of the contractor labour as a consequence of issuance of notification thereunder prohibiting the engagement of contract labour in various processes. In view of the facts and circumstances the management submitted that the concerned workman to harass the management has raised the present industrial dispute knowing fully well that his claim has no merit at all. Accordingly, the management submitted prayer to pass award rejecting the claim of the concerned workman.

#### Points for consideration

4. "Whether Shri Dilip Gorai working in the canteen can be treated as direct employee of C.M.P.D.I. and if so, inspite of termination of contract w.e.f. 15-6-98, his termination of service is justified or not and what relief he is entitled to get."

#### Finding with reasons :

5. It transpires from the record that neither the concerned workman nor the management considered necessary to adduce any evidence in support of their respective claims. As no evidence is forthcoming before this Court on the part of the parties in the instant reference case there is no scope to arrive into definite conclusion whether the claim of the concerned workman has any substantive merit or not just on relying on the facts disclosed in their respective written statements. It is the claim of the concerned workman that he got his appointment

as canteen bearer by the contractor on 3-10-89. He submitted that the contractor who was engaged by the management for running the canteen was a camouflage one. From the written statement it further transpires clearly that in running the said canteen the management only used to pay subsidy for the benefit of their employees.

The management, on the contrary, submitted that the canteen which they operate was neither statutory nor a recognised canteen as per observation made by the Hon'ble Apex Court. They only provided space for running the canteen and also pay some subsidy for its operation only for the benefit of the employees though they do not have any obligatory part to run any such canteen. As per submission of the concerned workman in the written statement it is clear that the concerned workman was engaged by the contractor and not by the management. The management submitted that as the concerned workman was employed by the contractor there was no question of existence of any relationship of employer-employee in between them and the concerned workman. It is the allegation of the concerned workman that the contractor who used to operate the said canteen was a camouflage one and it was the management who in disguise of the said camouflage contractor used to run the canteen. Considering the facts disclosed in the written statement of both sides it transpires that the management has no statutory obligation to run any canteen. They started running a canteen only after giving subsidy for the interest of their employees and not for any gain. As they did not have any interest in operating the said canteen the question of engagement of any contractor as camouflage never arose. The management further submitted that operation of canteen never comes within the prohibited category of job. therefore, in view of submissions made by the management onus shifted to the concerned workman to establish that the contractor who was engaged for operating the canteen was a camouflage contractor and he performed the job which comes within the prohibited degree as per Section 10 of the C.L.R.A. Act. It transpires from the record that inspite of giving several opportunities the concerned workman did not consider necessary to appear before this Tribunal with a view to substantiate his claim. The facts disclosed in the written statement cannot in any circumstances be considered as substantive piece of evidence. Such reliance on the facts disclosed in the written statement submitted by the concerned workman there is no scope to arrive into any conclusion that the concerned workman actually was the workman of the management and relationship of employer and employee was very much in existence and for which his termination of service without giving any notice or paying compensation without complying of Sec. 25-F of the I. D. Act was absolutely illegal. Accordingly, just relying on the facts as disclosed in the written statement submitted by the concerned workman there is no scope at all to uphold his contention.

I find no hesitation to say that there is little scope to give any relief to the concerned workman just relying on the facts disclosed in his written statement.

6. In the result, the following Award is rendered :—

“SHRI DILIP GORAI, VIDHAI CANTEEN KEY KARMKAR HONEY KEY NATEY C.M.P.D.I.L. KEY SIDHEY KARMKAR MANE JANA NAHI CHAHIYA. ATTA KARMKAR KISI RAHAT KEY PATRA NAHIN HAI”.

B. BISWAS, Presiding Officer

नई दिल्ली, 3 सितम्बर, 2004

का. आ. 2475.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गल्फ एअर कम्पनी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय I, मुम्बई के पंचाट (संदर्भ संख्या 15/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-2004 को प्राप्त हुआ था।

[ सं० एल-11012/67/98-आईआर (सी-I) ]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 3rd September, 2004

S.O. 2475.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/99) of the Central Government Industrial Tribunal/Labour Court I, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Gulf Air Company and their workman, which was received by the Central Government on 2-9-2004.

[No. L-1012/67/98-IR (C-I)]

S. S. GUPTA, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

#### PRESENT:

Shri Justice S.C. PANDEY,  
Presiding Officer

REFERENCE NO. CGIT 15 OF 1999

#### Parties

Employers in relation to the management of  
Gulf Air Company.

#### APPEARANCES:

For the Management : Shri A.N. Mulla, Advocate

For the Workman : Shri Mohan Bir Singh,  
Advocate.

State : Maharashtra

Mumbai, dated this the 18th August, 2004

#### AWARD

1. This is a reference made by the Central Government under clause (d) of sub-section 1 and sub-section 2A of Industrial Disputes Act, 1947 (the Act for short) for adjudicating upon the following industrial dispute which arose on account of termination of the services of Shalini Vaswani and Vinod Malhotra by the Gulf Air Company (the Company for short). the aforesaid employees were represented by the Gulf Air Employees' Association (the Union for short). The terms of the industrial dispute are as follows:

“क्या गल्फ एअर कं. द्वारा सुश्री शालिनी वासवानी एवं श्री विनोद मलहोत्रा की सेवाएं क्रमशः 12-11-97 एवं 17-11-97 से समाप्त किया जाना विधिवत्, न्यायोचित एवं सही है? यदि नहीं, तो वे किस राहत के पात्र हैं?”

2. In this case the union and Vinod Malhotra (the workman for short) filed a statement of claim. Shalini Vaswani did not file a statement of claim. Therefore this Tribunal can hold that there is no dispute between the Company and Shalini Vaswani.

3. So far as Vinod Malhotra is concerned, it would be proper to state the undisputed facts. It is not in dispute that the workman was appointed as Passenger Service Agent. He was promoted to the post of Passenger Service Supervisor. The workman served with a chargesheet dated 28-1-1977. It is not disputed that allegations made in the charge sheet were to the following effect. On 17th September, 1996, Shalini Vaswani checked in Mrs. Bodhanwala as a passenger for Flight No. GF 53 Bombay Muscat. It was stated that her baggage was in excess of 12 K.G. allowed by the Company. Shalini Vaswani asked her to pay Rs. 1400/- as excess baggage charges. However, when the passenger went back to Shalini Vaswani after collecting Rs. 1400/- from her friend, Shalini Vaswani told her Rs. 1000/- would be enough. She took Rs. 1000/- but did not pass any receipt. The role of the workman was that he had promised Shalini Vaswani when told him about the receipt of Rs. 1000/- that he would be able to handle the matter. He asked for half of the amount received by Shalini Vaswani. Ultimately Shalini Vaswani refunded Rs. 1000/- to Mrs. Lakadwala. The following charges were framed against the workman as per chargesheet dated 28th January, 1997.

“1. Fraud, Dishonesty in connection with Company's business and property.

2. *Taking or giving bribes or any illegal gratification.*
3. *Collection without the permission of Manager of any money within the premises of the establishment except sanctioned by any law for the time being in force.*
4. *Engaging in trade within the premises of the establishment.*
5. *Disorderly and indecent behaviour on the premises of the establishment.*
6. *Commission of any act subversive to discipline or good behaviour on the premises of the establishment."*

It is also not in dispute that the workman gave reply dated 6-2-1997. The reply of the workman charging the Area Manager with causing duress to Shalini Vaswani for obtaining false confession and also implicating them falsely because of union activities was not accepted. The workman was asked to face the enquiry. The Enquiry Officer appointed by the Company Mr. N.N. Shah. Mr. Paulose was appointed as the representative of the Management. It is not in dispute that workman attended the enquiry proceedings alongwith the defence counsel. It is also not in dispute that the enquiry report was submitted against the workman. It is also not in dispute the services of the workman were terminated when the competent disciplinary authority of the workman passed the order of dismissal dated 17-11-1997.

4. The workman stated in his statement of claim that there was valid industrial dispute of which the Central Government was satisfied. The union with its paragraph 5 of the statement that it had raised an industrial dispute before the Conciliation Officer, the Assistant Labour Commissioner. It was alleged by the union that the Company terminated the services of the workman without seeking permission of the Conciliation Officer. The Workman in paragraph 6 of his statement of claim has taken the specific point that termination of services of the workman without the permission of the Conciliation Officer, the Asstt. Labour Commissioner (Central) is illegal. Section 33 of the Act was violated. It was alleged that proceedings were pending since 13-11-1997 and were pending till 18-11-1997. The Company was served with notice dated 13-11-1997. The second ground was that the enquiry held against the workman was in violation of the principles of natural justice. It was stated that the Enquiry Officer was appointed with a view to get a finding against the workman. He was a professional who boasted about his powers in finding the man guilty. He had stated that out of 4600 enquiries conducted by him the workman could get away in only in two cases. Mr. Paulose was ideal foil to him. It was submitted that the Enquiry Officer had given a point wise outlined of procedure to be followed in the enquiry. The points are

quoted in paragraph 4 to 9 of the statement of claim of the workman. It stated that the Enquiry Officer himself violated the procedure indicated by him with a view to oblige the Management to the detriment of the workman. Paulose sought an adjournment that he wanted examine Mrs. Bodhanwala. The case was adjourned on that ground. No list of witness was furnished to the workman. The contention of Mr. Paulose was accepted that it was not possible for the Management to give list. Thus the Enquiry Officer violated the steps of procedure outlined by him. Only witness Ms. Vaswani was examined. On 30th May, 1997 she did not appear. Thereafter no cross-examination was permitted because Ms. Shalini I was not present or could not be produced. The workman was not given an opportunity to lead evidence on 30th May. The short adjournment sought by the defence representative was not given. Thus the principles of natural justice were violated when the case was closed abruptly. The finding of facts was perverse. It was stated that Mr. A.H. Haider did like the trade union activities. The past record of the workman was not considered in awarding the punishment.

5. The Company in its Written Statement refuted all the allegations made by the workman. It was claimed that there was no industrial dispute raised before the Asstt. Labour Commissioner. The demands of Union as per letter dated 17-2-1999 were confined suspension of the two employees. The dispute mentioned in schedule regarding the termination of service of the workman was not subject matter before the Conciliation Officer. The schedule is incorrect. No demand in respect of termination of service was raised. The reference was *void-ab-initio*. It was further pleaded that workman was not covered by Section 2(s) of the Act. It was claimed that an individual was not authorized to file statement of claim. It was alleged Shalini Vaswani admitted that she had committed the misconduct and defined the role of the workman. It was claimed that the workman was given full opportunity Shalini Vaswani because hostile. She was cross-examined. On 30th May 1997 Vaswani and Malhotra absented themselves. The workman was given copy of the enquiry report. He furnished his explanation. Thereafter the Company served notice dated 27-10-1997 requiring the workman to show cause against the proposed punishment of dismissal. He gave his reply dated 11th November, 1997. It was stated that on 12th November, 1997 a letter was received from the union that the workman should not be dismissed from service until fairness of the domestic enquiry was established. It was stated that the defence representative was not given further time to lead evidence because the record showed that she had tried to delay the enquiry proceedings.

6. The workman filed Rejoinder. He denied the allegations that reference is not maintainable as pleaded in paragraphs 1 and 2 of the Written Statement. It was asserted that the dismissal of the workman was during the pendency of conciliation proceedings even if we accept the



contention of the Company. The Company did not take permission of the conciliation authority. Therefore the dismissal was bad. The workman submitted that he was covered by the definition of workman. It was submitted that lack of verification was a curable defect. The Conciliation Officer had accepted the dispute on 10-11-1997. The proceedings related to dismissal of the workman.

7. It appears that the Company filed additional Written Statement. It was again stated that the workman was a Supervisor. Nayan More's authority to file the statement was denied for want of knowledge. The other allegations like the fact that since Shalini Vaswani was not challenging her termination of service; consequently the charges against the workman should be held to be proved. The union made an urgent application for the intervention of the Conciliation Officer. The Company received notice dated 13-11-1997 issued by the Conciliation Officer regarding suspension of the workman. The case was fixed for 17-11-1997. The Company faxed the reply dated 18-1-1997. Another letter dated 10-11-1997 was received. It was by letter dated 26-11-1997 the Asstt. Labour Commissioner recorded failure of dispute. It was stated that subject matter of dispute was not in respect of termination of services of Vinod Malhotra or Shalini Vaswani. It was submitted that the enquiry was held in accordance with the principles of natural justice. The confession of Shalini Vaswani was not obtained under duress. Vaswani had given her explanation voluntarily. Mr. Haider did not extract confession. It was submitted that this was an after thought, as Shalini Vaswani never complained to any one. It was denied that Mr. N.N. Shah was purposely appointed to get rid of the workman. It was denied specifically that the order of termination of the services was issued by violating Section 33 of the Act. It was denied that Mr. N.N. Shah held conducted the enquiry in total breach of principles of natural justice. It was stated that it was clear from record that the workman wanted to delay the matter.

8. The Tribunal framed the following issues by order dated 27-1-2001.

1. *Whether the reference dated 17-12-1999 made by the Government of India is not maintainable under the facts and the circumstances of the case?*
2. *Whether Vinod Malhotra was employed by the Gulf Air Company as a 'Workman' within the meaning of Section 2(s) of the Industrial Disputes Act, 1947?*
3. *Whether the domestic enquiry conducted against the workmen in question is invalid for the reason that the principles of natural justice were not observed by the Enquiry Committee.*

4. *Whether the findings recorded by the Enquiry Committee are perverse?*

5. *Whether the action of dismissal from service of the concerned workmen is legal and justified? If not to what relief the Workman are entitled?"*

9. Thereupon the workman made a Written Statement that he did not want to lead evidence on issues No. 3 and 4 but wanted to lead evidence on issues No. 1 and 2. For the rest of issues he relied on the documents on record.

10. The workman filed his affidavit and that of Nayan More. Both these witnesses were cross-examined on behalf of the company Mr. Paul, Advocate. The Company filed the affidavit of S. Mazumdar, Kavita Kanwar. Both these witnesses were cross-examined by Mohanbir Singh. Summons was issued to the witness Shri N.N. Shah, Advocate. When he did not appear the case was fixed for arguments. Thereafter the case was heard.

11. This Tribunal is required to record a finding on the question of status of conciliation proceedings. The question is if the reference was made without there being a demand on the question of dismissal of the workman. It may be stated that the Central Government passed the order of reference after considering the record of the Conciliation Officer. The function of the Conciliation Officer is statutory. There is a presumption in favour of the statutory report of the Conciliation Officer as well as the administration order of reference. It has to be presumed that the official acts performed in regular manner. The question is whether no demand was raised by the union and the Conciliation Officer made a false report. The evidence led on behalf of the workman was examined. Nayan More in his affidavit stated that on 11-11-1997 a letter was delivered to the company. Simultaneous the letter was submitted on 12-11-1997 to Regional Labour Commissioner. The record of the conciliation proceedings support the contention raised on behalf of the workman that a dispute regarding the attempt to dismiss the workman was raised before the company by Kailash R. Gupta, Secretary of Union. An application for intervention was filed before the Asstt. Labour Commissioner on 13-11-1997. There is nothing in cross-examination of Nayan More to suggest that dispute as per letter dated 10-11-1997 was not raised. The demand of the union was that the workman and Shalini Vaswani were being victimized by holding an enquiry without following the principles of natural justice. The record of the proceedings show that 13-11-1997 an application for intervention was filed before Asstt. Labour Commissioner. The record of the conciliation proceedings also shows that the case fixed for 18-11-1997. The company was noticed that it has certain obligations under Section 22(1), 22(2) and Section 33 of the Act. The reply of A.H., Haider the Managing Director of the Company stated that

company had not received any demand from the union regarding suspension of two workmen. This letter dated 17-11-1997 forms part of record of the Conciliation Officer at page 18 of the record. The Asstt. Labour Commissioner sent the copy of the demand notice, which has seal of the company. At page 18-11-1997 a letter was written by A.H. Haider, Managing Director admitted that the letter dated 10 November, 1997 from the union was received. He, however, suggested—

*"However we did receive a demand letter dated November 10, 1997 from the Gulf Air Employees Association, Mumbai."*

Therefore, it cannot be said no industrial dispute was raised regarding the service conditions of the workman. The Conciliation Officer had admitted the dispute on 13-7-1997. It apparent that the company then wanted to dismiss the workman. It was stated on the basis of heading of the notice that no demand regarding suspension was made. The fact revealed a demand dated 10-11-1997 was filed with the company. The company could not have dismissed the workman on 17-11-1997. In fact the letter dated 17-11-1997 was only a ruse. Thereafter the proceedings went on till 18-11-1997. On 18-11-1997, 20-11-1997 and 25-11-1997 there was no amicable settlement. A failure report is on record at page 38 and 40. The company's witness Mr. Shailesh Mazumdar did not dispute that the notice demand dated 10-11-1997 was received by office of the company on 11-11-1997 after he shown the notice. Shailesh Mazumdar was not sure when the notice dated 13-4-1997 was delivered. He says that as far as he knew the notice was not delivered prior to passing of the order of dismissal letter. However Mr. A.H. Haider was not examined. In his letter dated 17-1-1997 he had admitted receipt of notice. An inference can be drawn that the notice dated 13-11-1997 was already received by the company. It, therefore, claimed that it had not received the copy of demand regarding suspension. This was not bonafide because the union had submitted demand on 11-11-1997. The company feigned ignorance and then dismissed the workman. This conclusion is strengthened by non-examination of Mr. A.H. Haider. Thus this Tribunal finds that an industrial dispute was raised. The company dismissed the workman on 17-11-1997. The proceedings went on till 25-11-1997. The failure of conciliation report was sent. The reference is based on that report. Accordingly the issue No. 1 is decided by holding that the reference is validly made.

12. Now the next question that arises for considerations is, if the workman was covered by the definition of workman under Section 2(s) of the Act. It may be noted that at the stage of conciliation proceeding the company did not take this objection. Nevertheless this question can be raised at this stage of adjudication for the reason this question goes to the root of the question of validity of reference. In this connection this Tribunal

examine the evidence led by the parties. Undisputedly the workman was serving as a "Passenger Service Supervisor". The workman in his affidavit stated that that his duties mainly clerical in nature. He gave in his affidavit the following 13 duties that a Passenger Service Supervisor is required to per —

*"1. Handover/takeover—Handover means handing over charge of the traffic office to another colleague. Before handing over to edit the flights, submit Visa Dex Passenger Manifests to the customs department, prepare files for the flights. Insert the necessary papers in the respective files, writing of the flight information board, entering customs remarks in the pre-check-in data of passengers. During this period if a passenger enters the office asking for accomadation to issue the necessary voucher. If a passenger telephones for flight information or reservation enquiry the necessary information is passed on to the passenger and the reservation enquiry sorted out. The take over duties are similar in nature.*

*2. If the telex reel/computer printer ribbon needs to be changed the same is again done by a PSS or PSA.*

*3. The Airport Officer allocates duties on a Duty allocation Sheet. The concerned PSS/PSA on duty to follow the allocation systematically. The same jobs are performed by PSS and PSA and their allocation for the day is inter-changeable.*

*4. Checking-in of passengers.*

*5. Meeting and Assisting wheel chair passengers/Commercially important People/Very important People.*

*6. Recording of Courier Mail weight preparing.*

*7. Load Control/Service Control documents.*

*8. Arrival duties such as writing of hotel accomodation vouchers, assisting unaccompanied minors, assisting wheel chair passenger.*

*9. Ramp duties:—Arrival, Departure time of Aircraft, Offloading and loading of Baggage, cargo, mail as per instruction of Load Controller.*

*10. Filing of flight papers in respective files.*

*11. Stamping of flight coupons (Showing them as used).*

*12. Boarding passengers. Counting Boarding stubs and tallying with the actual checked in load.*

*13. Searching missing passengers in the Departure Lounge/Transit lounge.*

*The PSS does the duties listed above all the times he is on duties. Over and above the above listed duties, he is allotted, about once in a week or so, the duty of acting as a Supervisor, and on such day, he does all the above listed duties as well as spends a small fraction of his duty time doing the additional work of guiding PSAs who need guidance."*

In his cross-examination the Workman did not result in anything favourable to the Company. An examination of paragraph 2 of cross-examination lends support to the view that duties of the Workman were not supervisory of his subordinates. His duties were same as that of Passenger Service Agent with certain additional duties. All his duties were related to providing facilities to the passengers as directed by the Airport Officer. The Company had examined Amita Kanwar for proving that the Workman was doing supervisory duty because it was part of his to see the counters remained open at the time of departure or arrival. In cross-examination the witness admitted as a Passenger Service Agent and Passenger Service Supervisor were performing the same duties as given by herein paragraph 2 of her affidavit. Her cross-examination reveals the passenger Supervisor acts as a co-ordinator. She further admitted that the duty officer allotted work to Passenger Services Agents and Passenger Service Supervisor. Considering the entire oral evidence on record led by the Workman and the Company it can be inferred that the nature of the work of Passenger Service Supervisor does not take him out of definition of the Workman. It is trite law, and it is unnecessary cite any decision for the proposition that the rank or the designation is not a *sine qua non* for determining whether a person is a Workman. It is the nature of the work that a person performs determines if he is Workman. The evidence on record suggests that both the Passenger Service Agent and Passenger Service Supervisor look after them the services to be provided to a passenger. When they are on 'check in duty' they examine the papers of the passengers make necessary entries and see to it that their baggage is handled properly. Similarly when they are posted for arrival duties they provide the facilities to Workman like hotel accommodation finding their baggage etc. When they are posted on ramp duties they perform certain clerical duties. There is nothing to record for coming to the conclusion that at any stage of his duty the Passenger Service Supervisor has any control over the persons ranked below him. The oral evidence on record supports the contention of the Workman that he is covered by Section 2(s) of the Act. However the Workman placed on record Exhibit E the memorandum of Settlement dated 19-11-1987 between the union and the Company. This document shows that the Company has been treating the Workman as covered by Section 2(s) of the Act. The Memorandum of Settlement under Section 2(s) read with Section 2(p) binds the Company. In Appendix 2 the grade

qualification of Passenger Service is W-40. There is another settlement dated 3-10-1991 (Exhibit F). This also a similar settlement. The Company is bound by the settlement entered into by it under Section 2(p) read with Section 18(3) of the Act. On this reasoning also the Company cannot say at this stage that it did enter into binding settlement with union with full knowledge that the Workman was not covered by the Act. No evidence was led to show that dominant purpose of the employment the Workman as a passenger Supervisor gave him power to take decisions which would bind the Company or that his work was dominantly of supervision of a group of person working under him. On the other hand the evidence on record supports the contention of Workman that he was covered by Section 2(s) of the Act.

13. This takes us to the case of the Workman that the order of the dismissal was *per se* illegal. In the opinion of this Tribunal the issue No. 5 would cover the point. It has been argued on behalf of the Workman that the order of dismissal dated 17-11-1997 was passed during the pendency of the conciliation proceedings. The order could not have been passed on 17-11-1997 during the pendency of conciliation proceedings. The procedure under Section 33 of the Act was mandatory. Section 33(1)(b) of the Act required that in the case the concerned Workman is dismissed for any misconduct connected with the dispute, then express permission was compulsory under the section. Otherwise the order of dismissal was invalid. A notice dated 13-11-1997 was served on the Company. It was numbered as Reference B. ALC Central-1/8 (75) 97 dated 13th November, 1997. In his letter dated 17-11-1997 the manager of the Company acknowledged the receipt of the notice dated 13-11-1997 (wrongly stated as 11-11-1997 but reference No. is the same as in the original notice). In this letter Mr. A.H. Haider stated that we have not received any demand in respect of suspension of any one Workman from Gulf Air Employees' Association Mumbai until to day. Therefore, it is apparent that on or before 17-11-1997 the Company had the notice of the pendency of the Industrial Dispute. The company has not led evidence on what date this notice was received. Evidence Act states that the burden of proof is upon the person who had special knowledge of particular fact. If the Company who had the special knowledge of fact when it was served. The Workman could not have known these facts. Therefore, it was not possible for the Workman to plead about the facts when the Company received the letter dated 13-11-1997. Since the Company has not pleaded expressly nor it had produced any evidence regarding the date of actual receipt of notice. It can be presumed that the Company has not brought the date of the receipt notice on record. Otherwise it would have been proved that the notice was received even earlier than 17-11-1997. A.H. Haider had acknowledged the fact that on 17-11-1997 the notice dated 17-11-1997 was in his hands. Therefore it appears that order of dismissal was



passed after receipt of notice dated 17-11-1997. This Tribunal comes to conclusion that notice dated 13-11-1997 was received by Company prior to passing of the order dated 17-11-1997. It could be effective only from the date of communication to the Workman. Thus the order of dismissal was passed during the pendency of the conciliation proceeding for which the notice was already received. The record shows that the Workman was not served with the order on 17-11-1997 as per letter dated 18-11-1997 at pages 34 and 35 of the record. The Company could have withdrawn this order, as it had known that conciliation proceedings are pending. The union had already raised industrial dispute on 11-11-1997. It could have sought the permission of the Conciliation Officer. It did not do so. In the opinion of this Tribunal an order of dismissal without permission of the Conciliation Officer would null and void.

14. This takes us to issue No. (iii) which has not been decided yet. The Work was in about to cross-examine Sheela Vaswani on 27-5-1997. the workman was not present. He had given complete authority to her representative to cross-examine the witness of the Company. sheela Vaswani was not present on that date. The enquiry proceedings were adjourned to 30-5-1997 for cross examination of Sheela Vaswani. The Enquiry Officer did not inform the Workman that on 30th May 1997 he would be required to lead defence evidence. On 30th May 1997 Sheela Vaswani again absented herself. The Company closed her case at that stage. It was natural for the representative of the Workman to ask for a date for leading the evidence. She asked for time till 5th of June 1997. The Enquiry Officer refused it on the ground that the Workman was accommodated earlier. The representative of the Workman signed the order sheet under protest. In the opinion of this Tribunal the principles of natural justice were violated. The order sheet at page 54 did not disclose to Workman that he was required to lead evidence. The order sheet at page 59 required the Workman suddenly to lead evidence when Sheela Vaswani did not appear for cross-examination. The right of leading defence evidence cannot be denied to the workman by acting abruptly. The Enquiry Officer himself made a crucial mistake by not giving an opportunity to the Workman. Thus the enquiry is vitiated.

15. The enquiry report supports from another vital defect. Shalini Vaswani could not be cross-examined. Her evidence was thus incomplete. It is not possible to predicate what would be the result if Sheela Vaswani was fully cross-examined. Her evidence could not be considered by Enquiry officer in his report against the Workman as he was not given full opportunity to cross-examine her. It was the duty of the Company to keep her present for full cross-examination if it relied on her testimony.

Otherwise her testimony was of no use for the purpose of enquiry. Thus again the principles of natural justice were violated. We can even say that findings are perverse because they are based on evidence, which could not be considered. The result of the aforesaid discussion that the finding of issue No. 3 is that the principles of natural justice were violated and enquiry was vitiated on that count.

16. This Tribunal has found that order dated 17-11-1997 dismissing the workman from the services of the Company was in violation of Section 33(1)(a) of the Act. The aforesaid Act is illegal for non-compliance of that Sub-section of Section 33. Therefore the order of dismissal dated 17-11-1997 is set aside. But for the aforesaid finding this Tribunal would be required to given an opportunity to Workman on its findings issued No. 3.

17. The next question is what relief the Workman is entitled to. the charges show that Workman had not taken any money from Mrs. Bodhanwala. It was Shalini Vaswani who had overcharged the passenger. It was she who returned the money. The charge against the Workman was he took Rs. 500/- from Sheela Vaswani and promised help. The allegations in the charge sheet show that Sheela Vaswani herself was prime accused. It is also clear that she was facing the enquiry. The statement of such a person must be taken with same reservation because she could make any statement against the workman or the Company to suit her convenience. Therefore this Tribunal is of the view that Workman is entitled to reinstatement with full back wages and continuity in service throughout.

18. The reference is accordingly answered by stating that the order of dismissal of Vinod Malhotra dated 17-11-1997 is illegal he reinstated with back wages and continuity through out. So far as Sheela Vaswani is concerned this Tribunal records there exist no dispute between her and the Company. There shall be no order as to costs.

S. C. PANDEY, Presiding Officer.

नई दिल्ली, 6 सितम्बर, 2004

का. आ. 2476.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में; केन्द्रीय सरकार गवर्नमेन्ट ऑफ इंडिया प्रैस के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं० II, नई दिल्ली के पंचाट (संदर्भ संख्या 95/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-9-2004 को प्राप्त हुआ था।

[ सं० एल-16012/3/94-आईआर (डी यू) ]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 6th September, 2004

**S.O. 2476.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 95/95) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Govt. of India Press and their workman, which was received by the Central Government on 6-9-2004.

[No. L-16012/3/94-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL  
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT-II, RAJENDRA BHAWAN,  
GROUND FLOOR, RAJENDRA PLACE,  
NEW DELHI**

R. N. RAI, Presiding Officer :

**I D. NO. 95/95**

#### IN THE MATTER OF:—

Ram Avtar Gupta

VERSUS

Govt. of India Press

#### AWARD

The Ministry of Labour by its letter No. L-16012/3/94-IR (DU) Central Government dt. 27-10-1995 has referred the following point for adjudication.

The point runs as hereunder:—

“Whether the action of the management in not expunging adverse remarks in the ACR for the year 1973 of Shri Ram Avtar Gupta and consequently not allowing the workman to cross his Efficiently Bar in the time scheduled scale of pay w.e.f. 01-06-1976 is justified? If not, what relief the workman is entitled to.”

The claimant has filed statement of claim. In the statement of claim, he has stated that the applicant is Compositor Grade-II on 14-6-71 in the Govt. of India Press, Ring Road, New Delhi in the scale of pay Rs. 110-180 which was revised by the Govt. on the recommendation of the 3rd Pay Commission to the scale of Rs. 260-400. In the scale of Rs. 260-400, the applicant was not allowed to cross the E.B. at the stage of Rs. 290/- raising the pay to Rs. 296/- w.e.f. 1-6-76 due to the adverse remarks in the CR for the year 1973 vide GIP RR New Delhi Office Memo No. 24015/53/88/78-Estt.-II/193 dt. 3-02-77.

The applicant made an appeal to the management for expunction of the CR but the request was turned down. This sort of act on the part of the management was totally illegal biased and vindictive as there is no adverse remarks in CRs of other years from 1971 to 1972 and 1974 to 1975. It is evident from the entire records of service of the applicant that there has been a constant stability in his nature and behaviour which has considerably been assessed good or very good in all CRs excepting the CR of 1973. The applicant has been regular, punctual and disciplined and devoted to his duties throughout his service. Therefore, it is a clear cut vindictive and deliberate attitude to spoil the CR for 1973.

There was no prior intimation/warning about the adverse remarks in the CR for 1973. Therefore the attitude of the Reporting Officer was not in a positive posture. Had all the above shortcomings been as usual in nature, such adverse remarks would have been recorded in other years also. The adverse remarks were communicated to the applicant vide GIPRRND O.M No. 48-C dt. 3-5-74. The applicant pointing out of the said facts made an appeal to expunge the adverse remarks in his CR for 1973 but without considering the request, the office rejected the appeal vide their O.M. No. 534-C dt. 3-10-74.

The applicant was allowed to cross the E.B. w.e.f. 1-6-1976 i.e. one year after the stage of E.B. which resulted permanent loss of one increment throughout his service life. There is no such example where a Govt. Servant is not allowed to cross the E.B. even after displaying a significant records of 25 years service except the adverse remarks in C. R. for 1973 and that too were on the basis of biased attitude of the management.

The applicant made several appeals to the management of GIPRR New Delhi and in the last to the Director of Printing, New Delhi to expunge the adverse entries in CR for 1973 but of no avail. Now the petitioner feels pain that he is humiliated without any cause, charge sheet or warning etc. Therefore, it is deliberate on the part of the management to deprive the applicant from his legitimate right of one increment permanently and that too without any cause. In the last appeal to the Director of Printing, New Delhi it was pointed out that if the adverse remarks in the CR of 1973 not expunged, the applicant should be allowed to cross E.B. above two stages from 1-6-77 on the basis of length of service considering his performance in the later years but the Asstt. Manager (Admn.) intimated vide O.M No. 29012/110/RRP/93-E-II/43 dt. 8-12-93 that his request for crossing the EB was considered by the Directorate of Printing who did not accede to the same.

The management has filed written statement. In the written statement, it has been stated that the complainant/petitioner/workman has no locus standi to file the present complaint against the management after a lapse of 20 years.

Therefore the same is not maintainable due to the time barred claim. The claim of the workman is not maintainable being highly belated in the eye of law. The cause of action does not arise against the management at this stage after a lapse of 20 years.

That in reply to para 1 of the statement of claim of the petitioner is a matter of records. That in reply to para 2 of the statement of claim of the petitioner is wrong & denied as stated, it is correct that the applicant was not allowed to cross E.B. at the stage of Rs. 290/- as he was not found fit. He has been issued memo vide Press O.M. No. of even No. dt. 3-5-74 (copy enclosed as Annexure A.I.) conveying him adverse remarks recorded in his ACR for the year 1973. That in reply to para 3 of the statement of claim of the petitioner is wrong & denied as stated, it is correct that the appeal submitted by the applicant to the management vide O.M. No. 543/C dt. 3-10-74 (copy enclosed as Annexure A.II) was rejected. The applicant was issued memo vide letter No. 48/C dt. 3-5-74 conveying the adverse remarks recorded in his ACR for the year 1973. As there was no new material submitted by the applicant in his representation for expunction of the adverse remarks recorded in his ACR 1973, hence after considering sympathetically that was not satisfactory and was not based on the facts and circumstances of the records regarding his ACR the same was rejected and workman was replied the same. There was no illegal, biased and vindictive attitude of the management towards the applicant as alleged, as the adverse remarks recorded in his ACR for the year 1973 were based on his performance of work and behaviour etc. during the year 1973 and it is also submitted that there is no relevancy with the ACR of other year from 1971 to 1972 and 1974 to 1975.

That in reply to para 4 of the statement of claim of the petitioner is wrong and denied as stated, it is correct that the adverse remarks has been recorded in his ACRs for the year 1973 is based on the performance of work and behaviour etc. of the applicant as observed during the year 1973. As such there is no vindictiveness and deliberate attitude of the management against the applicant to spoil his ACR of the year 1973 as alleged by the applicant. That in reply to para 5 of the statement of claim of the petitioner is wrong and denied as stated, it is also not admitted that a condition that Govt. servant is required to be informed in advance before writing adverse remarks in his ACR. The adverse remarks in the ACR are recorded on the basis of performance, attendance, behaviour etc. of the Govt. servant during that particular year. That in reply to para 6 of the statement of claim of the petitioner is wrong and denied as stated, it is submitted that against the adverse remarks record in the ACR in the year 1973 communicated to the applicant vide memo No. 48/C dt. 3-5-74, the applicant submitted an appeal to expunge the adverse remarks in his ACR for the year 1973. The said appeal had been rejected vide O.M. No. 534/C dt. 3-10-74 as the applicant had not

brought out any new material in his representation and the same was not satisfactory and there was no merit in his representation so as to expunge the adverse remarks and the petitioner/workman was informed.

That in reply to para 7 of the statement of claim of the petitioner is wrong and denied as stated, it is admitted that the applicant was allowed to cross E.B. w.e.f. 1-6-76 i.e. one year after the due date of crossing Efficiency Bar i.e. w.e.f. 1-6-75 which is based on the decision taken in review of his case by the DPC held in the year 1976. It is not feasible to allow the applicant to cross E.B. w.e.f. the original due date of crossing of E.B. w.e.f. 1-6-76, while reviewing his case in DPC. The appeal submitted by the applicant to the Director of Printing, New Delhi for expunction of adverse remarks recorded in his ACR for the year 1973 was also rejected by the Director of Printing and the same was communicated to him vide this Press O. M. No. 29012/110/RRP/93-E-II/43 dt. 8-12-93 as the applicant had not brought out any new material in his appeal and the same was filed after a lapse of 20 years.

The workman has filed rejoinder. In his rejoinder, he has denied the averments of the written statement and reiterated the facts of his statement of claim.

Heard arguments from both the sides and perused the papers on the record. It was submitted from the side of the workman that there were adverse remarks in the ACR for the year 1973 of the workman and he was not permitted to cross his efficiency bar in time scheduled scale of pay. As such, he should be given two increments so that he may be able to cross efficiency bar w.e.f. 1-6-1976. It was further submitted that his ACR in the previous year and in the subsequent year is not bad. So his two increments of efficiency bar should not be stopped but he should be permitted to avail of the increments which were not given to him due to his efficiency bar. It was submitted from the side of the management that it is the discretion of the management to consider the case of every workman and to permit him to cross the efficiency bar on his previous records. The records of the workman of 1973 were adverse. As such, he did not cross the efficiency bar on the due date but in course of time, his case was considered and he was permitted to cross efficiency bar. In statutory bodies, there are Screening Committees who screen the conduct of every employee and the employee is permitted to cross efficiency bar. The case of this workman was considered in due course of time and he was deprived only for two years subsequent to his adverse remarks. It is left to the discretion of the management as to which employee is eligible to cross efficiency bar and discretion is based on the remarks of every year and this Tribunal is not empowered to interfere in such matters and to impose his own verdict. As such, the action of the management is quite proper and the workman is not entitled to get time scheduled scale of pay from 1-6-1976. The Tribunal has no power to expunge the adverse remarks.

The reference is replied thus:—

The action of the management in not expunging adverse remarks in the ACR for the year 1973 of Shri Ram Avtar Gupta and consequently not allowing the workman to cross his Efficiency Bar in the time scheduled scale of pay w.e.f. 01-06-1976 is justified. The workman is not entitled to get any relief as prayed for.

The award is given accordingly.

Dt. 26-08-2004

R. N. RAI, Presiding Officer

नई दिल्ली, 8 सितम्बर, 2004

का. आ. 2477.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद (संदर्भ संख्या एल.सी.आई.डी. 231/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-9-2004 को प्राप्त हुआ था।

[सं० एल-22013/11/2004-आई आर (सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 8th September, 2004

S.O. 2477.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. L.C.I.D. No. 231/2002) of the Central Government Industrial Tribunal cum Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 8-9-2004.

[No. L-22013/11/2004-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri E. Ismail, B.Sc., L.L.B., Presiding Officer

Dated the 29th day of July, 2004

INDUSTRIAL DISPUTE L.C.I.D. NO. 231/2002

#### BETWEEN:

Sri N. Saraiah,  
S/o Odelu,  
C/o Smt. A. Sarojana,  
4-5-592, Near Badi Chowdi,  
Vegetable Market,  
Kutbiguda,  
Hyderabad.

.....Petitioner

#### AND

1. The General Manager,  
Sigareni Collieries Co. Ltd.,  
SRP Division, Srirampur,  
Adilabad District.
2. The Colliery Manager,  
IK. 1A Incline,  
Singareni Collieries Co. Ltd.,  
Srirampur Division,  
Srirampur, Adilabad  
District.

.....Respondents

#### Appearances :

- For the Petitioner : Smt. A. Sarojana, Advocate.  
For the Respondent : M/s. K. Srinivasamurthy & C.  
Vijaya Shekhar Reddy,  
Advocate.

#### AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as stated in the petition are: that the Petitioner's father who was working as coal-cutter, was declared as medically unfit for further services on medical grounds. As such the Petitioner was appointed as badli filler and posted to work at KK-2 incline in the month of December, 1989. Thereafter, the applicant was transferred to SMG-3 incline in 1991 and further transferred to IK-1 incline. The services of the applicant were confirmed as coal filler. That while working at IK-1 A incline the applicant suffered from severe abdominal problems, resulting in dislocation of his normal duties, as he was suffering from severed stomach pain and abdominal disorder, he was forced to undertake treatment on various occasions during the year 1996. As and when he suffered sickness, he used submit leave letters or sick letters, requesting the authorities to grant leave for sick and he also used to submit medical certificates, issued by the Doctors. While so, he was issued with a chargesheet for absenteeism. He gave a reply but still an enquiry was conducted and the enquiry was not properly conducted. Much has been written about the enquiry but a memo was filed conceding about the validity of domestic enquiry. Hence, all that need not be gone into. He prays that the dismissal order may set aside and may be reinstated with continuity of service, back wages and all consequential benefits.

3. A counter was filed stating that the Petitioner remained absent for 290 days during the year 1996 without sanctioned leave or sufficient cause. An enquiry was conducted and then he was dismissed. Here also, he has written about enquiry which need not be mentioned here as the enquiry is conceded to have been validly conducted.

4. It is argued by the Learned Counsel for the Petitioner that the Petitioner is working since 1989 and he was appointed as his father was declared medically unfit and his attendance was perfectly alright except in 1996 and any way dismissal is too harsh a punishment.

5. It is argued by the Learned Counsel for the Respondent that Further, regarding absenteeism the Hon'ble Supreme Court's Judgement in the State of U.P. and others Vs. Ashok Kumar Singh and another in 1996(1) SCC page 302 wherein it was held that "....Having noticed the fact that the first Respondent has absented himself from duty without leave on several occasions, we are unable to appreciate the High Court's observations that "His absence from duty would not amount to such a grave charge". Even otherwise, on the facts of this case, there was no justification for the High Court to interfere with the punishment holding that "the punishment does not commensurate with the gravity of the charge" especially when the High Court concurred with the findings of the Tribunal on facts. No case for interference with the punishment is made out". The Hon'ble Supreme Court allowed the appeal. So he submits that it will lead to lot of problems as there will not be any discipline in all such cases are taken lightly.

6. It may be seen that although the Petitioner was appointed in 1989 as badli filler, his services were confirmed as coal filler. It was only in 1996 his attendance was much below and after enquiry he was dismissed on 23-8-97. No doubt absenteeism is a very great problem in the mines. But of late, the Management has started even counseling and in fact when such large number of cases have come, I wish if the Company itself starts counseling by appointing social workers or counselors for the workers which will ultimately benefit the workers themselves. It is also for the union or unions not only to agitate for the employees, but also to see that the employees are regular in their duties sincerely. The Petitioner is aged about 34 years now, he has got still 24 years of service. Hence I am of the opinion that one last chance can be given to him by imposing certain conditions. Hence, the award is passed directing that the Petitioner shall be taken on the minimum scale of coal filler within 30 days of the publication of this Award. After 30 days of publication of this Award if he is not reinstated, he shall be entitled for minimum pay of coal filler till his reinstatement. The Period from 23-8-97 till he is reinstated shall not be counted for terminal benefits. His services from December, 1989 till his dismissal on 23-8-97 shall be counted for terminal benefits. The Respondent shall keep a watch and shall not make him permanent unless he puts in minimum musters for three consecutive years.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 29th day of July, 2004.

E. ISMAIL, Presiding Officer

### Appendix of evidence

Witness examined for the Petitioner :	Witness examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Document marked for the Respondent

NIL

नई दिल्ली, 8 सितम्बर, 2004

क्र. आ. 2478.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, सेन्ट्रल ग्राउंड वाटर बोर्ड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद (संदर्भ संख्या एल.सी.आई.डी. संख्या 246/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-9-2004 को प्राप्त हुआ था।

[सं० एल-22013/1/2004-आईआर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 8th September, 2004

S.O. 2478.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. L.C.I.D. No. 246/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Ground Water Board and their workman, which was received by the Central Government on 8-9-2004.

[No. L-22013/1/2004-IR (C-II)]

N. P. KESAVAN, Desk Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri E. Ismail, B.Sc., L.L.B., Presiding Officer

Dated the 11th day of August, 2004

INDUSTRIAL DISPUTE L.C.I.D. NO. 246/2001

(Old I.D. No. 95/99 Transferred from Labour Court-I,  
Hyderabad)

#### BETWEEN:

Sri K. Vemkatesh,  
S/o K. Narayana,  
C/o Ch. Indrasena Reddy,  
Flat No. 403, Srujana Apartments,  
Street No 8, Himayathnagar,  
Hyderabad-29

.....Petitioner

**AND**

1. The Regional Director,  
The Central Ground Water Board,  
Southern Region, Government of India,  
3-6-291, Hyderguda,  
Hyderabad-29. ....Respondent

**Appearances :**

- For the Petitioner : Sri Ch. Indrasena Reddy,  
Advocate.  
For the Respondent : Sri B. Raja Vardhan Reddy,  
Advocate.

**AWARD**

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 by the labour Court-I, Hyderabad in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others and transferred to this Court in view of the Government of India, Ministry of Labour's order No. H-11026/1/2001-IR (C-II) dated 18-10-2001 bearing I.D. No. 95/1999 and renumbered in this Court as L.C.I.D. No. 246/2001.

2. The brief facts as mentioned in the petition are : That the Petitioner was appointed as water boy in March, 1994 by the Respondent and he worked continuously upto 31-12-98. The Petitioner submits that he has put in unblemished record of service till he was illegally and orally terminated by the Respondent on 1-1-98. The Petitioner submits that the order of termination passed by the Respondent is illegal, unjust and contrary to law and in violation of principles of natural justice and also in violation of provisions of Sec. 25F and Sec. 25N of the I.D. Act, 1947.

3. The Respondent Board is an 'Industry' and the Petitioner is a worker within the meaning of Sec. 2(J) and 2(s) of the I.D. Act, 1947. No notice or pay in lieu of notice and no retrenchment compensation was paid. Hence, the order is illegal and invalid. Further, he has worked for more than 240 days in each year. He was issued with identity card and also service certificate by the concerned authorities of the Respondent Board. His last drawn salary was Rs. 1330/- That without any reason he was dismissed. Hence, the Respondent may be directed to reinstate the Petitioner into service with full back wages and all other attendant benefits with continuity of service and all other attendant benefits.

4. A counter was filed stating that the Respondent board is part and parcel of Ministry of Water Resources, Government of India. The Respondent Board is a National Apex organization with responsibilities to carry out scientific surveys, explorations, Management and Regulation of country's vast ground water resources for irrigation, drinking, domestic and industrial needs. Mostly the works are of research, scientific nature and studies

relating to ground water, being taken up for the benefits of citizens as a whole. The activities of the Respondent Board are sovereign functions of the welfare state, committed to the Directive Principles of State Policy as enshrined in the Constitution of India. Thus, the Respondent Board is not an 'industry' under I.D. Act, 1947. The jurisdiction of this Court was also challenged under Sec. 2A(2).

5. The Petitioner was entrusted with the contract to supply water for the first time on 13-3-96. He did not undertake contracts during March, 1994 to 12-3-96 as alleged. The Respondent submits that there was break in his contracts. He was not a regular employee in the Department. The specific work was assigned and on completion of specific work, the need for the same automatically ceases. As and when the work was not available he was not executing the contracts. He did not execute contract during 1-5-98 to 5-7-98, 29-8-98 to 13-9-98, 21-1-98 to 4-10-98, 9-10-98 to 25-10-98. As no work was available no further contracts were given from 1-1-99. The denial of work to the Petitioner cannot be termed as retrenchment.

6. Petty contracts were awarded to various agencies, like any other contractor the Petitioner herein came forward to assist as a petty contractor to do job work. As a petty contractor he can do the contract either in person or through others. As per the choice and convenience. He was doing said works now and then. There was no fixed incoming and outgoing timings, specified hours of stay etc. He was getting Rs. 198/- to Rs. 1320/- by way of bills depending upon the work turned out by him. He was submitted the bills claiming the payments and after measuring/verification of actual work, the bills were settled. There is no relationship of employer and employee between the Board and the Petitioner.

7. After December, 1998 the Department could not provide contract works to him as no work was available. Moreover, the quality of work, lowest rate, timely completion of work etc., are the relevant factors to award the contract works. A contractor cannot insist for allocation of works to him alone. He has to compete with others. He may get profit or loss as an self-employed contractor. There is no surety for fixed income arises in respect of contractors/businessmen/ self employed persons. That for employment on permanent basis the Government is having recruitment policies, norms, vacancy position and reservation etc., under the guise of mercy, sympathy etc. Further it is learnt that the Petitioner is continuing the job work as petty contractor in other institutions and in other profitable avocations as on today and earning sufficiently. He is neither idle nor unemployed. Hence, the Petition may be dismissed.

8. The Petitioner examined himself as WWI and deposed that he was appointed in March, 1994 by the Respondent as water boy and worked continuously upto 31-12-98. He was orally terminated from 1-1-99 and no



reasons were assigned for his termination nor notice or notice pay or retrenchment compensation was paid. He has worked for more than 240 days in a year during his service. That he was issued with a certificate Ex. W1 which states. "This is to certify that Sri K. Venkatesh, has worked as contingent labour (Water Boy) in Central Ground Water Board, Southern, Region, 3060291, Hyderguda, Hyderabad for the last four (4) years upto 30-4-1998". Ex W2 and W3 are two identity cards. Copy the notice is Ex. W4 dt. 26-10-94 issued to the Respondent. Ex. W 5 is the postal acknowledgement.

9. In the cross examination he deposed that he did not sign in muster rolls. He denied that the work was given to him on contract basis. He was paid Rs. 1330/- per month towards his salary. He denied that Ex. W1 to W3 are false documents.

10. The Respondent examined Sri B.S.R. Narasimha Rao, Regional Director of the Respondent Board and deposed in the chief examination that the Petitioner was entrusted with the contract to supply water on 13-3-96. There were breaks in his contracts. As work was not available he was not given from 1-1-99. That at no time he executed contracts continuously for 240 days either as worker or as a petty contractor. That the claim is liable to the dismissed.

11. In the cross examination he deposed that it is not true to suggest that the Petitioner is a workman and the Respondent is an 'industry' within the meaning of I.D. Act, 1947. That they have not filed any document to show that the Petitioner is a contract worker. The Petitioner worked from 1996 to 1998. He has not filed any record to that effect. They have not obtained any license to engaged any contractor under CL (R&A) Act. Ex. W2 and W3 identity cards issued by them to WW1. The person purported to have been issued Ex. W1 is working in Department. That they received Ex. W4 but they have not replied.

12. It is argued by the Learned Counsel for the Petitioner that the person was issued Ex. W1 is still said to be working as per MW1 and what prevented the Respondent from putting him in the witness box. After all it is a Government concern and not a single paper is filed to show that a contract was given to the Petitioner. If really a contract was given then here should be some papers to that effect. That not a single scrap of paper is filed goes to show that whatever the Petitioner says is correct and as Sec. 25 F is not followed and further no reply to the notice dated 26-6-99, Ex. W4 was given although this L.C.I.D. was filed in 2001. Hence, the petition may be allowed.

13. It is argued by the Learned Counsel for the Respondent that any single scrap of paper is filed to show what amount Petitioner has received as a water boy and whether he has worked for 240 days in a year and whether he is a worker within the definition of I.D. Act and whether

the Respondent is an 'industry'. Further, whether Sec. 2A(2) is applicable to the Central Establishments. Hence, he prays that the petition may be dismissed.

14. It may be noted that this Court is having jurisdiction is under Sec. 2A(2) state amendment Act in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others. It may be noted that the Petitioner has filed Ex. W1 to W3 and according to MW1 the person who has purported to have issued Ex. W1 is working in the Department. When such is the case non-examination of the said person adverse inference has to be drawn that the witness had he been produced it would have gone against the Respondent. Further, there is no document to show that the Petitioner worked as a contractor nor the Respondent have filed any record to show that they have obtained the license to engage any contractor. So all this goes to show that whatever the Petitioner asserts is correct and therefore, the dismissal of the Petitioner without paying him retrenchment compensation, notice or pay in lieu there off is wrong. Even admittedly by MW1 the Petitioner was getting between Rs. 198/- to 1320/- p.m. If an amount of Rs. 13200/- i.e., 10 months pay is paid it will meet the ends of justice. In the result, an Award is passed holding that the Petitioner is not entitled for reinstatement. Further, he is entitled for Rs. 13200/- to be paid within 30 days after publication of this Award failing the amount shall bear 6% p.a. interest after publication of 30 days of this Award.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 11th day of August, 2004.

E. ISMAIL, Presiding Officer

#### Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
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WW1 Sri K. Venkatesh	MW1 : Sri B.S.R. Narasimah Rao
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#### Documents marked for the Petitioner

Ex. W1 : Copy of the service certificate  
Ex. W2 : Copy of the identity card  
Ex. W3 : Copy of the identity card  
Ex. W4 : Copy of legal notice issued to  
Respondent dt. 26-6-99  
Ex. W5 : Postal acknowledgement

#### Documents marked for the Respondent

NIL

नई दिल्ली, 8 सितम्बर, 2004

का. आ. 2479.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद (संदर्भ संख्या एल.सी.आई.डी. 197/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-9-2004 को प्राप्त हुआ था।

[सं० एल-22013/1/2004-आई आर (सी-II)]

एन. पी. केशवन, डैस्क अधिकारी

New Delhi, the 8th September, 2004

S.O. 2479.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. L.C.I.D. No. 197/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 8-9-2004.

[No. L-22013/1/2004-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri E. Ismail, B.Sc., L.L.B.,

Presiding Officer

Dated the 29th day of July, 2004

#### INDUSTRIAL DISPUTE L.C.I.D. NO. 197/2003

BETWEEN :

Sri E. Komuraiah,  
C/o Mrs. A. Sarojana, Advocate,  
4-5-592, Near Badi Chowdi,  
Vegetable Market,  
Kutbiguda,  
Hyderabad

.....Petitioner

AND

1. The Chief General Manager,  
M/s. Sigareni Collieries Co. Ltd.,  
RG. 1 Arca Godavarikhani,  
Karimnagar District.
2. The Dy. Chief Mining Engineer,  
GDK-6 Incline,  
M/s. Singareni Collieries Co. Ltd.,  
Godavarikhani  
Karimnagar District

.....Respondent

#### APPEARANCES:

For the Petitioner : M/s. A. Sarojana, &  
K. Vasudeva Reddy,  
Advocates.

For the Respondent : M/s K. Srinivasa Murthy, V.  
Umadevi, C. Vijaya Shekhar  
Reddy, & Vijay Venkatesh,  
Advocates.

#### AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as mentioned in the petition are: That the was appointed as badli filler in the year 1995 and worked in GDK 6 incline. Since the date of his appointment the Petitioner was working sincerely and dedicatedly. He was issued with a charge sheet. That he has put in only 46 musters in 1998. He gave a reply that due to ill-health suffered by his mother and his entire family used to stay at his village along with his mother. That his mother died. A routine enquire was conducted. Much is written about the enquiry which need not be gone into for the simple reason that the enquiry is conceded as vaildly held, by the Petitioner's Counsel. So, he prays that the Respondents may be directed to reinstate the Petitioner into service with all other consequential benefits, continuity of service and back wages etc.

3. A counter was filed stating much about the enquiry which is not necessary to repeat the same here. That it is further averred that in 1981 he had only 46 musters. His performance in the previous years was also very poor. In 1996 it was only 195 days. In 1997, it was only 126 days. In 1998 it was only 46 days. In 1999 for 29 days. Hence, he may not be granted any relief.

4. It is argued by the Learned Counsel for the Petitioner that afterall due to ill-health and various circumstances he cannot attend to his duties and therefore sympathy may be shown and he may be reinstated.

5. It is argued by the Learned Counsel for the Respondent that his division of work can be made out from the facts. That even an enquiry is pending in 1999 up to June 1999 he puts in only 29 musters. Further, regarding absenteeism the Hon'ble Suprem Court's Judgement in the State of U.P. and others Vs. Ashok Kumar Singh and another in 1996(1) SCC page 302 wherein it was held that ".....Having noticed the fact that the first Respondent has absented himself from duty without leave on several occasions, we are unable to appreciate the High Court's observations that "His absence from duty would not amount to such a grave charge". Even otherwise, on the facts of this case, there was no justification for the High



Court to interfere with the punishment holding that "the punishment does not commensurate with the gravity of the charge" especially when the High Court concurred with the findings of the Tribunal on facts. No case for interference with the punishment is made out." The Hon'ble Supreme Court allowed the appeal. therefore, he prays that the Petitioner may not be reinstated.

6. It may be seen that the Petitioner was appointed as badli filler in the year 1995 and in 1998 his performance was not good as he has put in only 46 days. In 1999 upto June, 1999 even when the proceedings were pending he did not improve himself. Strictly speaking he does not deserve any sympathy. But as the quality of mercy is not strained, I am of the opinion that one more change can be given to him. Hence, an award is passed that the Petitioner shall be appointed as badli filler in the minimum scale within 30 days from the publication of the award and his entire previous service right from the date of his joining into the service in the year 1995 till he is reinstated need not be counted for any purpose including terminal benefits. If the Petitioner is not appointed within 30 days the publication of this Award he shall be entitled to minimum pay as badli filler after the expiry of 30 days from the publication of this Award.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 29th day of July, 2004.

E. ISMAIL, Presiding Officer

#### Appendix of evidence

Witness examined for the Petitioner	Witness examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Document marked for the Respondent

NIL

नई दिल्ली, 8 सितम्बर, 2004

का. आ. 2480.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस.सी.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद (संदर्भ संख्या एल.सी.आइ.डी. 76/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-9-2004 को प्राप्त हुआ था।

[सं० एल-22013/1/2004-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 8th September, 2004

S.O. 2480.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. L.C.I.D.

No. 76/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 8-9-2004.

[No. L-22013/1/2004-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-COURT AT HYDERABAD

Present : Shri E. Ismail, B.Sc., L.L.B., Presiding Officer

Dated the 11th day of August, 2004

INDUSTRIAL DISPUTE L.C.I.D. NO: 76/2003

#### BETWEEN:

Sri Kodipelli Rajaiah,  
C/o Smt. A. Sarojana,  
4-5-592, Near Badi Chowdi,  
Vegetable Market,  
Kutbiguda,  
Hyderabad-27

....Petitioner

#### AND

1. The General Manager,  
M/s. Sigareni Collieries Co. Ltd.,  
Mandamarri Area, Mandamarri,  
Adilabad,  
District

2. The Colliery Manager,  
SMG-3, Incline,  
M/s. Singareni Collieries Co. Ltd.,  
Mandamarri Area,  
Adilabad District

.....Respondents

#### APPEARANCES:

For the Petitioner : M/s. A. Sarojana, &  
K. Vasudeva Reddy,  
Advocates.

For the Respondent : M/s K. Srinivasa Murthy,  
C. Vijaya Shekhar  
Reddy, & B.V.L. Vani,  
Advocates.

#### AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts as mentioned in the Petition are that the Petitioner was appointed as badli filler in 1989 and confirmed as coal filler in 1992. During the year 2001 the Petitioner suffered with Low Blood Pressure. As such he was regular in his duties. Accordingly, a charge sheet was issued on 14-2-2002 alleging that the Petitioner has attended for duties only for 75 days during the year 2001. He gave an explanation, but yet, an enquiry was conducted. Much is said against the enquiry. But that need not be repeated here as the Petitioner's counsel conceded that the enquiry is validly conducted. Hence the Petitioner prays that the dismissal order dated 26-12-2002 may be set aside and he direct the Respondent to reinstate the Petitioner into service with all consequential benefits etc.

3. A counter was filed wherein much is said about the enquiry which need not be repeated here. But nothing is said about his previous absenteeism or any such thing. It is submitted that the petition may be dismissed.

4. Arguments were advanced on the same lines by both the counsels.

5. It may be seen that no counseling was given to him. Actually, now of late counselling has been started by the Company. Nothing has come out about his previous absenteeism. Admittedly he has put in only 75 day during the year 2001. But as he has been dismissed on 26-12-2002 for his absenteeism, I am of the opinion that as no counseling is done, hence, one more chance can be given to him. Hence, an Award is passed on the following terms. That the Petitioner shall be appointed at present scale of the coal filler within 30 days from the publication of this Award. His past services from 1989 till 26-12-2000 shall be counted for terminal benefits. He shall be confirmed as coal filler if he puts minimum musters for three consecutive years.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 11th day of August, 2004.

E. ISMAIL, Presiding Officer

#### Appendix of evidence

Witness examined for the Petitioner	Witnesses examined for the Respondent
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NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 8 सितम्बर, 2004

का. आ. 2481.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस.सी.सी.एल. के प्रबंधन के

संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद (संदर्भ संख्या एल.सी.आई.डी. 2/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-9-2004 को प्राप्त हुआ था।

[सं० एल-22013/1/2004-आईआर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 8th September, 2004

S.O. 2481.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. L.C.I.D. No. 2/2003) of the Central Government Industrial Tribunal cum Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 8-9-2004.

[No. L-22013/1/2004-IR (C-II)]

N. P. KESAVAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT : Shri E. Ismail, B.Sc., L.L.B., Presiding Officer

Dated the 29th day of August, 2004

INDUSTRIAL DISPUTE L.C.I.D. NO. 2/2003

#### BETWEEN:

Sri P. Isac James,  
C/o Smt. A. Sarojana,  
4-5-592, Near Badi Chowdi,  
Veg. Market,  
Kutbiguda,  
Hyderabad, A.P.

....Petitioner

#### AND

1. The General Manager,  
Sigareni Collieries Co. Ltd.,  
Mandamarri Area,  
Adilabad,  
District.
2. The Colliery Manager,  
KK 5 Incline,  
Singareni Collieries Co. Ltd.,  
Mandamarri Area,  
Adilabad District.

.....Respondents

#### APPEARANCES:

- |                    |   |
|--------------------|---|
| For the Petitioner | : M/s. A. Sarojana, &<br>K. Vasudeva Reddy and<br>M. V. L. Narasaih, Advocates.   |
| For the Respondent | : M/s. K. Srinivasa Murthy,<br>Vijay Venkatesh, C. Vijay<br>Shekar Reddy, Sridhar |

Karanam, V. Umadevi, L.  
Adibabu, B. Vijay Kumar &  
M. Praveen, Advocates.

### AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The brief facts of the petition are : That Petitioner was appointed as badli filler on 31-5-92 and was confirmed as coal filler on 1-9-95. A charge sheet was issued alleging that the petitioner was habitually absent during the year 1999 and was charged for his absence. That the Petitioner gave an explanation that he was absent due to his illhealth. That the enquiry was conducted and not conducted properly. Much is written about the enquiry which need not be repeated here as the domestic enquiry was conceded to have been validly conducted. It is therefore prayed that the Petitioner has rendered nearly 10 years service and still he has got nearly 30 years of service. Hence, the Respondent may be directed to reinstate the Petitioner with all consequential benefits.

3. A counter was filed stating that during the year 1999 he was absent. Hence, a charge sheet was issued to him. That after the Enquiry Officer gave a report he was given a copy. Further, the workman was given another opportunity to improve his attendance but it was futile. As such, the Respondents were considered to remove him from service from 6-6-2002 and many other things are mentioned.

4. The Learned Counsel for the Petitioner is absent. Even the Petitioner has been absent for long time after the Petitioner's counsel conceded that domestic enquiry is validly conducted as far back as 24-7-2003.

5. Of course, the Respondent's counsel argued that he deserves no sympathy as per the enquiry report dated 30-11-2000 and dismissal order dated 6-6-2002 be confirmed. That is, they waited for 1½ years for the Petitioner to improve. Hence, he deserves no sympathy.

6. In the normal circumstances, and in most of the cases I have been always sympathetic and usually give a chance to the Petitioner to improve himself. But here there are two reasons not to grant any relief to the Petitioner, one is that on 24-7-2003 his counsel conceded that the domestic enquiry is validly conducted and this Court waited till 16-6-2004. But, neither Petitioner ever turned up nor his counsel was present on 16-6-2004 and this Court had no option but to hear the arguments of the Respondent's Counsel. Further, although the enquiry report is dated 30-11-2000 and he was dismissed on

6-6-2002 that means even for the 1½ years he did not improve himself and therefore I am of the opinion that he is not interested in working even to consider granting him any relief. Hence, the award is passed holding that the Petitioner is not entitled to any relief.

Award passed accordingly. Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 29th day of July, 2004.

E. ISMAIL, Presiding Officer

### Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 8 सितम्बर, 2004

का.आ. 2482.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस. ई. सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल (संदर्भ संख्या 36/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-09-2004 को प्राप्त हुआ था।

[सं. एल-22012/390/98-आई आर (सी-II)]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 8th September, 2004

S.O. 2482.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 36/1999) of the Central Government Industrial Tribunal/Labour Court, Asansol as shown in the Annexure in the Industrial dispute between the management of E.C.L. and their workmen, received by the Central Government on 8-09-2004.

[No. L-22012/390/98-IR(C-II)]

N. P. KESAVAN, Desk Officer

### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT:

SRI MD. SARFARAZ KHAN, Presiding Officer

REFERENCE NO. 36 OF 1999

PARTIES: The Agent, Bahula Colliery of M/s. E.C. Ltd.,  
PO : Bahula, Distt. Burdwan

...Management

Vrs.

Nanku Bhar, U.G. Loader, Bahula Colliery represented by  
Rakesh Kumar, General Secretary, Koyala Mazdoor  
Congress, Asansol ..... Workman.

### REPRESENTATION:

For the management : Sri P. K. Das, Advocate.

For the Workman (Union) : Sri Rakesh Kumar, General  
Secretary, Koyala Mazdoor  
Congress, Asansol.

Industry : Coal. State : West Bengal.

Dated the 18th August, 2004.

### AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial disputes Act (14 of 1947) the Govt. of India, through the Ministry of Labour vide its order No. L-22012/390/98-IR(C-II) dated 25-5-1999 has been pleased to refer the following dispute for adjudication by this Tribunal :

“Whether the action of the management of Bahula Colliery of M/s. ECL in dismissing Sh. Nanku Bhar, U.G.L. is legal and justified? If not to what relief is the workman entitled?”

In compliance of the issuance of the summons of this Tribunal both the parties appeared through their representatives and filed their separate sets of written statements supporting their claims.

2. Sri P. K. Das, Advocate represented the management and Sri Rakesh Kumar, General Secretary of Koyala Mazdoor Congress, Asansol represented the workman. Both the parties fully contested the dispute as per their claims.

3. The case in brief of the workman (Nanku Bhar, 2) Under Ground Loader, as per his pleadings is that he was the permanent workman having U.M. No. 618055 working at Bahula Colliery under Kenda Area of E.C.L. The main case of the workman is that he was issued chargesheet for his unauthorised absence w.e.f. 11-10-93 vide Ref. No. Agent/BC/C-6E/31/93/291 dated 7-12-93. After the explanation being submitted by the workman, the enquiry was fixed. The workman duly participated in the enquiry and tendered his statement that his son was seriously ill and confined to the death bed and was being treated by a private doctor and subsequently having found no improvement he was admitted at Central Hospital, Kalla of ECL as an indoor patient. After his wife being expired earlier, there was none to look after his ailing son. He informed to the management through his co-worker and also in writing vide his letter dated 28-5-94 acknowledged by manager's office on the same date. Besides this the circumstances were beyond his control.

4. It is also the case of the workman that he had requested to the management that the period of absence was only less than two months i.e. from 11-10-93 to 7-12-93. So a lenient view be please taken in view of the circumstances under which he was compelled to remain absent. But unfortunately his request was turned down and was dismissed from his services of the Company vide order dated 8-8-94 by the General Manager.

5. It is also the claim of the workman that the punishment of dismissal is the extreme punishment which is disproportionate to the alleged nature of misconduct committed by him. Besides this it is also the defence of the workman that no second show cause notice before the order of dismissal was ever issued to him which is a clear-cut violation of the procedure of dismissal and the mandate of the Apex Court as well. So in view of the said facts the order of dismissal be set aside and he may be reinstated with full back wages.

6. On the other hand the case of the management in short as per his written statement is that the said reference is itself bad in the eye of law and misconceived one. The main defence of the management is that Sri Nanku Bhar, the workman remained absent from his duties unauthorised without any prior permission or sanctioned leave w.e.f. 11-10-93 and such he was chargesheeted by the management for his act of misconduct as per the provisions of Standing Order applicable to the Establishment. Apart from that the reply of the chargesheet submitted by the workman was found to be unsatisfactory and ultimately a domestic enquiry was decided to be held. The ex-workman duly participated in the enquiry personally and all reasonable opportunity was given to him to defend his case in accordance with the principle of natural justice.

7. The further defence of the management is that the enquiry report was submitted by the officer concerned after concluding his enquiry before the appointing authority who having been satisfied with the finding of the enquiry officer was pleased to award an order of dismissal to the concerned workman from his service and as such the punishment imposed against the workman is claimed to be quite proportionate in accordance with the gravity of the misconduct. It is also denied that the son of the workman was never seriously ill for which he was in medical treatment and there was none to look after his son during the period. It is also denied that the management was duly informed by the workman through his co-worker and through sending any letter as well on 28-5-95 to the management. So the management has prayed to hold that the action of the management is totally justified in dismissing the concerned workman from his service.

8. From perusal of the record it transpires that none of the parties has adduced oral evidence but some documents have been filed on behalf of both the parties. The documents filed by the management are the xerox copy

of the chargesheet (Annex. I) issued by the Agent of the Colliery by Registered post to the workman on 7-12-93. Enquiry Report (Annex. II) issued to the workman. Enquiry proceeding (Annex. III) corrigendum in respect of the Unique No. of the workman (Annex. IV). Letter of dismissal dated 6-9-94 issued by the Manager & (Annex. V) Reply of the chargesheet submitted by the concerned workman (Annex. VI). These all documents have not been challenged by the workman rather directly or indirectly admitted one. Similarly the workman on the other hand has also filed the xerox copy of the order of Hon'ble Supreme Court circulated to all the CMD's and D(P) of the subsidiary company's of CIL by the Coal India Limited signed By D(P) CIL (Annex. I) xerox copy of the Corporate JCC in which CMD allowed to join duty to those workers who absented even upto one year. These all documents are also not challenged by the management as they are being official letters and circulars admitted one.

9. Before going in detail discussion of the merit of the dispute it is necessary to mention here the admitted facts by the parties.

10. It is admitted fact that Sri Nanku Bhar No. 2 is the Underground Loader and was permanent worker of Bahula Colliery under Kenda Area of E. C.L.

11. It is also admitted fact that Nanku Bhar-2 was absent from 11-10-93 and he had replied the chargesheet issued to him. It is also admitted fact that the enquiry proceeding was started in which the workman had participated. The total period of absence is from 11-10-93 to 7-12-93 i.e. about less than two months which is also admitted by both the parties. Besides this it is also admitted by the parties that before the order of dismissal second show cause notice was not issued to the concerned workman, which is admittedly the violation of the principles of natural justice. It is the settled principle of law that the facts admitted need not be proved. So the above said admitted facts are not required to be proved.

12. The order sheet dated 10-3-2003 passed by then Presiding Officer goes to show that the fairness and validity of the enquiry proceeding was held to be fair and valid as the same was not challenged by the concerned workman and the case was fixed for final hearing on merit which was taken up before me.

13. Although it is pleaded in para 3 of the statement of the claims of the workman that he had informed the management through his co-worker and also in writing vide his letter dated 28-5-94 acknowledged by manager's office on the same date. But these facts have been totally denied by the management vide his averments made in para 5 of the written statement. Apart from this the workman concerned has neither examined the said co-worker through whom he had informed the management nor he has filed a chit of paper in support of the fact that a letter was also

sent to the manager's office on 28-5-94 in this regard. Besides this the workman Nanku Bhar-2 has clearly admitted in his cross examination during the enquiry proceeding that he could not inform the competent authority about his absence on the relevant date in question.

14. As such in view of the aforesaid facts, circumstances and discussion made above I am satisfied to hold that the workman was absenting from his duty from 11-10-93 without seeking permission which amounts to misconduct and the enquiry officer had rightly held the incumbent guilty for the same.

15. So now the only point remained for consideration before the court is to see whether the punishment is proportionate to the alleged nature of misconduct committed by the concerned workman or not?

16. In the facts and circumstances of the case the alleged misconduct can't be said to be so gross to warrant the order of dismissal of the incumbent. The enquiry report (Annex. 2) filed by the management side itself goes to show that the enquiry officer has himself hold that it is clear from the discharge certificate that the son of the workman was admitted in the hospital from 12-12-93 to 7-4-94 and he had sufficient reason to remain absent but he ought to have sent information and taken permission for remaining absent from duties. So it is clear that the workman had got sufficient reason to be absent under the compelling circumstances. It can't be said to be a deliberate act of absence from the duties. No any ulterior motive can be attributed in the alleged misconduct. The reason of the absence has been held by the enquiry officer to be satisfactory. The only misconduct of the incumbent is that he did not send the information about the reason of his absence. But the reason have been sufficiently explained and found to be satisfactory. It is further clear from the record itself that the incumbent is a permanent employee who has got no any adverse remark during the tenure of his service nor the same has been pleaded by way of defence by the management. Not only that there is no any service of the second show cause notice issued to the incumbent before passing order of dismissal which is utter violation of the mandate of the Supreme Court. In awarding the punishment gravity of the misconduct, previous record of the workman and being other extenuating or aggravating circumstances should have been taken into account. There is nothing at all against the workman except the negligence of not giving information about the reason of his absence. In the present facts and circumstances I am of the opinion that no punishment of dismissal ought to have been passed against the workman for such a venial technical breach where he had submitted certificate of sickness of his son, genuineness of which had not been disputed showing reasonable ground for such absence. It was a plain and simple case which should be dealt with by taking a lenient view.

17. In view of the above facts and circumstances, documentary evidence and discussions mad I am satisfied to hold that the punishment awarded to the incumbent is not just and appropriate and the same is totally disproportionate to the misconduct proved against the delinquent and as such the impugned order of dismissal in question is hereby set aside the the delinquent is directed to be reinstated with continuity of service along with a back wages of 50%. Apart from this the workman shall be entitled to all consequential benefits. Let the award be passed accordingly and copies of the same be sent to the Ministry for information and needful.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2004

का. आ. 2483.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-कम-लेबर लेबर कोर्ट, बंगलौर के पंचाट (संदर्भ संख्या सी आर सं. 68/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-9-2004 को प्राप्त हुआ था।

[सं. एल-17012/17/2003-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 9th September, 2004

S.O. 2483.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (C. R. No. 68/2003) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of LIC of India and their workman, which was received by the Central Government on 8-9-2004.

[No. L-17012/17/2003-IR (B-I)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-COURT, BANGALORE

Dated : 26th August, 2004

#### PRESENT:

Shri A. R. Siddiqui, Presiding Officer

C. R. No. 68/2003

#### I Party

Sri K. Surya Shekhar,  
S/o Sri Ramesh

#### II Party

The Senior Divisional  
Manager, LIC of India,

R/o at Karmala, Puttur, Divisional Office,  
Dakshina Kannada Distt. Jeevan Krish,  
Udupi-576 101.

#### APPEARANCES :

I Party : None

II Party : M. Chandrasekharan,  
Advocate

#### AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of sub-section (1) and sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-17012/17/2003-IR(B-I) dated 27-11-2003 for adjudication on the following schedule.

#### SCHEDULE

“ Whether the action of the management of LIC of India, D.O., Udupi is legal and justified in discontinuing the services of Sri K. Surya Shekhar as part time sweeper with effect from 22-10-2002? If not what relief the workman is entitled for ?”

2. After the receipt of the reference, it was registered on the files of this tribunal and notices were taken against both the parties. The first notice issued to the I Party under RPAD since returned unserved without any proper endorsement by the postal authority concerned, fresh RPAD notice was issued to him and it was served upon him personally on 15-06-2004, when the case was called out, the I Party remained absent before this tribunal despite the personal service of the notice. However, the case was adjourned to 20-07-2004 giving opportunity to the I Party to make appearance before this tribunal and file his claim statement, unfortunately he failed to do so. Then the case was posted for filing of counter statement by the management and since it was not filed, the matter was taken closed and is posted for passing of the award.

3. Of course, as per the points of reference, the burden was cast upon management to justify its action in discontinuing the services of I Party who worked as Part-time sweeper w.e.f. 22-10-2002. The management could have been called upon to discharge the above said burden cast upon it, in case, the I Party had put forth his claim statement making out grounds as to under what circumstance, the order passed by the management was not legal and justified. It was for the I Party to make out a case that he had a right to continue in the service of the management and that the management was wrong in discontinuing his services. Since no claim statement is filed and no case was made out by the I Party, the question of the management discharging the burden cast on it in the light of the points of reference, did not arise. Therefore, keeping in view the conduct of I party in not appearing before the court despite the due service of the



notice, that too, by way of Registered cost and his conduct in not filing claim statement in support of the reference what appears is that he is no more interested in prosecuting his claim against the management. In the result, no purpose will be served in keeping the proceedings any more pending. Hence, the following award:

### ORDER

Reference is dismissed for non-prosecution.

*(Dictated to the LDC, transcribed by him, corrected and signed by me on 26th August, 2004)*

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 10 सितम्बर, 2004

का. आ. 2484.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नोर्दन रेलवे के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-कम-लेबर कोर्ट, कानपुर के पंचाट (संदर्भ संख्या आई. डी. नं. 27 ऑफ 98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2004 को प्राप्त हुआ था।

[सं० एल-41012/103/97-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 10th September, 2004

S.O. 2484.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 27 of 98) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 9-9-2004.

[No.L-41012/103/97-IR (B-I)]

AJAY KUMAR, Desk Officer

### ANNEXURE

**BEFORE SRI SURESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, KANPUR, U.P.**

**Industrial Dispute No. 27 of 1998**

In the matter of dispute between :

J.N. Gupta  
S/o S.N. Gupta  
124-B/383 Govind Nagar,  
Kanpur

AND

Divisional Railway Manager  
Northern Railway, Allahabad

### AWARD

1. The Central Government Ministry of Labour New Delhi, vide notification No. 41012/103/97-IR (DU) dated nil has referred the following dispute for adjudication to this Tribunal:

Kya Mandal Railway Prabandhak Uttar Railway Allahabad द्वारा श्री J. N. Gupta atmaj श्री S.N. Gupta Electric Shunter को Dinank 18-8-86 से naukari से hataya jana uchit aur vaidhanik hai? Yadi nahi to sambandhit shramik kis anutosh ka haqdar hai?

2. In support of reference made by the Government, the concerned workman has filed written statement alleging that he was appointed on 2-10-55 and was working as Electric Shunter under Sr. Electric Foreman Running Juhi Kanpur in the year 1983. The workman was referred for medical/periodical vision test vide letter dated 6-3-83 to Divisional Medical Officer where on examination cataract was deducted in his right eye. It is alleged that proper treatment was not made by the railway doctor and thereupon the workman applied for permission for the treatment of his eye with a private medical practitioner and the permission was granted by Divisional Medical Officer. The workman thereafter got the treatment by private expert eye surgeon and the workman proceeded on medical leave. It is further alleged that during the examination at railway hospital his case was never referred to C.M.O. Delhi despite his request. Although it was the duty of the D.M.O. Kanpur for giving him post treatment and if the treatment was not available then to refer the matter to CMO Delhi. The D.M.O. Kanpur, however did nothing except advise to change spectacles. The workman proceeded on leave from 3-5-83 to 2-9-83 and the workman was duly paid for the period of leave during his medical leave. From 3-9-83 leave without wages was granted to him. The D.M.O. without going through the relevant record and also without any intimation to the workman sent a report dated 13-1-83 of the fact that the workman is not reported for medical examination in the hospital on 12-4-83 and that the workman was never given the fitness certificate for joining the duties. On the alleged report of his absence from 12-4-84 a chargesheet was given against the workman for his absence unauthorisedly from 12-4-83. The said chargesheet was belatedly served on the workman on 6-8-84. On receipt of the chargesheet the workman allegedly made a demand for supply of documents supporting the charges which were neither supplied despite repeated reminders and the workman was thus prevented from defending the charges illegally. It is further alleged that the railway department appointed Sri Arora as an inquiry officer in the matter who through a messenger informed about fixing of a date in the conduction of the inquiry. The workman reached there and was advised to receive the documents and also was directed to sign on

blank papers which he refused. After some alterations a copy of few documents were provided to him. On reaching before the inquiry officer the workman could not demand the desired documents. It is further alleged that during the inquiry the workman made several applications to the inquiry officer but he did not sign in token of receipt of the same. On 15-4-86 the inquiry officer Sri Arora threatened him to write his statement on the dictations of the inquiry officer, the workman wrote part of the statement on his dictation but on learning that the inquiry officer wanted to get written confessional statement of the workman he refused to write further whereafter Sri Arora threatened him for his removal from service. Said matter was reported to SEFO Sri Tripathi but no action was taken by him. Thereafter no intimation about holding of inquiry was made to him and finally on 18-8-86, he received the termination letter dated 20-8-85 through a registered post but no copy of inquiry proceeding was annexed as mentioned in the letter. Thus he was also prevented to make an appeal against the said order before the competent authority. The protest letter was never replied by the department. The appeal made by the workman against the order dated 25-10-86 was too rejected by order dated 3-10-87. Against the said order which was not speaking the workman preferred a review petition which is still pending. The workman has since attained the age of superannuation on 30-9-93 on attaining the age of 58 years and has approached the government for making the reference regarding his removal from service illegally. The inquiry proceedings suffers from several illegalities and is against the principle of natural justice and the finding recorded is perverse and is therefore liable to be vitiated and the workman is entitled for back wages and other consequential benefits after setting aside the removal order dated 18-8-86. The necessary benefits and funds retained by the management may also be released in favour of the workman.

3. The management appeared to contest the claim of the workman but has palpably failed to file their written reply against the statement of claim filed by the workman, despite an opportunity given to the management to file written statement belatedly subject to payment of cost. Neither cost was paid by the management nor any written statement was filed during the proceedings.

4. The workman examined himself as WW 1 in support of his case. The witness was cross examined by the management in detail. The management however failed to adduce any evidence in support of its defence.

5. Heard the parties and also perused the record and the evidence adduced by the workman. The workman has challenged the action of the management on oath. Workman's unchallenged testimony on oath is that on 3-5-83, he appeared before the Divisional Medical Officer for his vision test finally as on earlier dates the concerned

doctor only advised him to change the spectacles. Feeling unsatisfied with the treatment meted to him he requested the doctor to refer his case to the higher authority Divisional Medical Officer, Allahabad or Chief Medical Officer, Delhi which the doctor refused. Thereafter he requested him to forward his leave applications. The doctor obliged the workman by recommending 4 months leave which is also proved by the documents filed by the workman. Thereafter the workman get himself treated from private medical practitioner and extended his leave by moving his application through the said doctor. The doctor advised him to send applications direct to the department and has falsely reported that the workman has absented himself from 12-4-83. It further stated by this witness that during the inquiry he demanded certain documents which were never supplied and that the inquiry officer Mr Arora was also prejudiced and biased when he threatened the workman to get him relieved from the service. It is further stated by this witness that even further dates of the inquiry were not intimated to him and that he was served with an order of dismissal without annexing with it the copy of inquiry report. All these facts finds support with the statement of this witness, that all these infirmities and alleged injustice the prejudice of the enquiry officer against the workman he has been reporting the matter by writing various letters to the department. Ext. W-1 to W-13 corroborate the statement of the workman which goes unchallenged as no evidence worth the name has been produced on behalf of the management. The fact that the dismissal order, the copy of report not annexed is also proved from the letter Ext. W-18, through which the department has sent the copy of inquiry report. Thus it is clear that the inquiry conducted by the management against the workman was neither fair nor just nor in accordance with the principles of natural justice. There is no explanation worth mention as to why documents called for by the workman in defence were not made available to him during the inquiry proceedings or why opportunity to defend was not afforded to the workman by the inquiry officer. The enquiry report, therefore, suffers from infirmities having been conducted against the principles of natural justice. It is all the more astonishing that even the senior appellate authorities has failed to consider these facts even while disposing of the appeal against the punishment order or subsequent application made for review of this order made by the workman. It is thus a genuine case where the biased and unfair inquiry resulting dismissal of the poor workman need to be interfered and directed to be set aside. The impugned order of dismissal is therefore, held to be unfair and unjust and the workman is therefore entitled for his reinstatement after setting aside the dismissal order.

The workman has since retired after attaining the age of superannuation, therefore, an order to reinstate him is not possible. Therefore, instead of the order reinstating the workman, the workman needs to be compensated with all benefits of retirement on the premises, that the workman would be deemed to have, had he not been dismissed from



the services of the railways w.e.f. 18-8-86. The workman would be entitled to the back wages and other consequential benefits till the date of his retirement if any, and, also be entitled for all other benefits on retirement. The award is answered accordingly in favour of workman.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 10 सितम्बर, 2004

का.आ. 2485.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोर्दन रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय औद्योगिक अधिकरण, जयपुर के पंचाट (संदर्भ संख्या आई.डी. नं. 7/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-09-2004 को प्राप्त हुआ था।

[सं. एल-41012/189/97-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 10th September, 2004

S.O. 2485.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. No. 7/98) of the Central Industrial Tribunal, Jaipur as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Northern Railway and their workmen, which was received by the Central Government on 9-9-2004.

[No. L-41012/189/97-IR(B-I)]

AJAY KUMAR, Desk Officer

अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 7/98

भारत सरकार श्रम मंत्रालय की अधिसूचना संख्या : एल.

41012/189/97 आईआर (बी. I) दिनांक 24-4-1998.

तीर्थसिंह पुत्र श्री प्रभासिंह निवासी कौनी,

तह. कैसरीसिंहपुर, जिला श्रीगंगानगर। -----प्राथी

बनाम

डी.आर.एम., उत्तर रेलवे, बीकानेर, राजस्थान। -----अ प्राथी

उपस्थिति

पीठासीन अधिकारी : श्री पी.एल. हिस्सारिया, आर.एच.जे.एस.

प्राथी की ओर से : श्री श्याम लाल शर्मा

अप्राथी की ओर से : श्रीमति माया जैन

जयपुर 13 जुलाई, 2004

अवार्ड

केन्द्र सरकार के श्रम मंत्रालय के द्वारा निम्नलिखित रेफरेंस न्यायनिर्णयन हेतु इस न्यायाधिकरण को प्रेषित किया है :

"Whether the action of the D.R.M., Northern Railway, Bikaner is justified in terminating the services of Shri Tirth Singh s/o Shri Prabha Singh w.e.f. 4-8-89 is justified. If not, to what relief to the workman is entitled to?"

2. प्राथी की ओर से उक्त विवाद के लिए स्टेटमेंट आफ क्लेम प्रस्तुत किया गया है, जिसके अनुसार प्रतिपक्षी ने 1-12-88 को प्राथी को 75/-रु. प्रतिमाह की दर से पार्ट टाइम पर सफाई के लिए पृथ्वीराजपुर रेलवे स्टेशन पर नियुक्त किया और उसने 1-12-88 से 3-8-89 तक पृथ्वीराजपुर रेलवे स्टेशन पर सफाई का निरन्तर काम किया। उसे 4-8-89 को बिना किसी कारण बताये सेवा मुक्त कर दिया। सेवा मुक्ति के समय प्राथी ने 240 दिन लगातार नियमित रूप से प्रतिपक्षी के नियोजन में कार्य कर लिया था और सेवा मुक्ति करते समय अप्राथी ने औद्योगिक विवाद अधिनियम, 1947 की धारा 25एफ, 25जी एवं 25एच तथा औद्योगिक विवाद नियम के नियम 76, 77 एवं 78 का उल्लंघन किया। प्राथी ने अपना सेवा मुक्ति का विवाद केन्द्रीय समझौता अधिकारी के समक्ष प्रस्तुत किया जहां वार्ता विफल रहने का प्रतिवेदन केन्द्रीय सरकार को भेजा गया जिस पर केन्द्रीय सरकार द्वारा यह रेफरेंस न्याय निर्णय के लिए इस अधिकरण को पेश हुआ। प्राथी को न तो एक माह का नोटिस दिया न नोटिस के बदले वेतन का भुगतान किया न उसकी सेवा मुक्ति से पूर्व छंटनी का मुआवजा दिया जबकि उसका कार्य स्थाई प्रकृति का है और अब भी प्राथी से कनिष्ठ श्रमिक अप्राथी के यहां कार्य कर रहे हैं। प्राथी को 4-8-89 से अनुचित एवं अवैध रूप से सेवा मुक्त कर दिया इसलिए उसकी 4-8-89 से की गई सेवा मुक्ति अनुचित एवं अवैध घोषित किया जावे तथा उसे निरन्तर सेवा में मानते हुए पुनः सेवा में लिया जावे व समस्त आर्थिक व अन्य परिलाभ दिलाये जावे।

3. अप्राथी ने प्राथी के क्लेम का जवाब प्रस्तुत किया जिसके अनुसार इस तथ्य को स्वीकार किया गया है कि प्राथी ने 1-12-88 से 75 रु. प्रतिमाह की दर से दो घण्टे प्रतिदिन पार्ट टाइम पर 3-8-89 तक स्टेशन अधीक्षक पृथ्वीराजपुर के अधीन पार्ट टाइम पर सफाई का कार्य किया। उसके पश्चात् प्राथी स्वयं की इच्छा से कार्य छोड़कर चला गया उसे कभी निकाला नहीं गया। स्टेशन अधीक्षक ने पार्ट टाइम पर अंगेज किया था उसे नियमित नियुक्ति पत्र नहीं दिया गया न कोई नियुक्ति का आदेश जारी किया गया था इसलिए वह श्रमिक की श्रेणी में नहीं आता और उसने 240 दिन यदि कार्य कर भी लिया हो तब भी उसका लाभ नहीं पहुंचता। वैसे भी प्राथी स्वयं 4-8-89 को अपनी इच्छा से कार्य छोड़कर गया इसलिए न तो उसकी छंटनी की गई न निकाला गया न वह रेग्यूलर कर्मचारी था। औद्योगिक विवाद अधिनियम की धारा-25 एफ, 25जी एवं 25एच तथा नियम 76, 77, व 78 इस मामले में लागू नहीं हैं। छंटनी की ही नहीं गई तो मुआवजा दिया जाना आवश्यक नहीं था। दिनांक 4-8-89 से 30-8-89 तक लगातार अनुपस्थिति दर्ज होने पर उपस्थिति रजिस्टर से प्राथी का नाम काट दिया गया। प्राथी कोई राहत पाने का अधिकारी नहीं है। उसके क्लेम को खारिज किया जाये।

4. प्राथी ने अपने क्लेम की पुष्टि में अपना स्वयं का शपथपत्र पेश किया है, जिससे अप्राथी के प्रतिनिधि ने जिरह की है और प्रदर्श 1 लगायत प्रदर्श 4 तक कुल चार दस्तावेज पेश किये हैं जो क्रमशः

प्रदर्श 1 स्टेशन मास्टर द्वारा दिये गये प्रमाणपत्र की फोटो प्रति, प्रदर्श. 2 समझौता अधिकारी द्वारा असफल वार्ता का प्रतिवेदन, प्रदर्श. 3 प्रार्थी द्वारा रेलवे मंत्री को सम्बोधित कर लिया गया पुनर्नियुक्ति का प्रार्थना पत्र तथा प्रदर्श. 4 डीआरएम उत्तरी रेलवे बीकानेर को लिखा गया पुनः सेवा में लेने का प्रार्थना पत्र हैं। अप्रार्थी ने पूरणमल उप स्टेशन अधीक्षक तथा ईश्वर लाल सहायक वाणिज्य प्रबंधक उत्तर रेलवे के शपथपत्र पेश किये हैं जिनसे प्रार्थी के प्रतिनिधि ने जिरह की है। उपस्थिति पंजिका व डी.आर.एम. द्वारा स्टेशन की सफाई रखने हेतु स्टेशन मास्टर को दिये गये निर्देश की प्रति पेश की है। दोनों पक्षों के विद्वान प्रतिनिधि ने अपनी-अपनी लिखित बहस पेश की जिसका अध्ययन किया गया, पत्रावली का अवलोकन किया।

5. प्रार्थी के विद्वान प्रतिनिधि की बहस के अनुसार प्रार्थी को 1-12-88 से 3-8-89 तक 75 रु. प्रतिमाह की दर से पार्ट टाइम सफाई वाले के पद पर रखा गया और 4-8-89 को मौखिक आदेश से उसकी सेवायें समाप्त कर दी उसने लगातार 240 दिन सेवा पूरी कर ली थी उसे न तो कोई नोटिस दिया न ही नोटिस वेतन दिया गया और न छंटनी का मुआवजा दिया। उसे हटाने के बाद से वह लगातार पृथ्वीराजपुरा स्टेशन पर अपनी ड्यूटी लगाने के लिए उपस्थित होता रहा परंतु उसे ड्यूटी पर नहीं लिया उसने डी.आर.एम. बीकानेर में एक प्रार्थना पत्र दिया परन्तु आश्वासन के अतिरिक्त कुछ नहीं मिला इसलिए क्लेम प्रस्तुत करने में विलम्ब हुआ। प्रार्थी की सेवा मुक्ति औद्योगिक विवाद अधिनियम की धारा-25एफ, 25जी व 25एच तथा नियम 76, 77 व 78 के उल्लंघन में है। प्रार्थी कार्य स्थाई एवं नियमित प्रकृति का है प्रार्थी से कनिष्ठ श्रमिक काम पर आ रहे हैं जो प्रतिपक्षी के साक्षी ने जिरह में स्वीकार किया है। प्रार्थी ने इस संबंध में अपना स्वयं का शपथपत्र व प्रदर्श 1 लागूत प्रदर्श 4 तक दस्तावेज पेश किये हैं इसलिए उसे पुनः सेवा में लिया जावे व 4-8-89 से ड्यूटी से हटाये जाने के आदेश को निरस्त किया जावे। अपने तर्क के समर्थन में विद्वान प्रतिनिधि ने निम्न प्रोद्घरण पेश किये—

1. अजायब सिंह बनाम सरहिन्द सिंह को-आपरेटिव मार्केटिंग कम प्रोसिजिंग सर्विस सोसायटी लि. व अन्य 1999 एससीसी(एलएण्डएस) पेज 1054.
2. गुरमैल सिंह बनाम प्रिंसिपल गवर्नमेंट कालेज आफ एज्युकेशन 2001 एससीसी (एल एण्ड एस) 105.
3. सपन कुमार पंडित बनाम यू.पी. स्टेट इलेक्ट्रिसिटी बोर्ड 2001 एलएलआर 900(एससी).
4. यशवंत सिंह यादव बनाम स्टेट आफ राजस्थान 1990 एलएलआर 96 राज.
5. डी.के. यादव बनाम जे. एम. ए. इण्डस्ट्रीज लि. 1993 एलएलआर 584 (एससी) पेश की हैं।
6. अप्रार्थी के विद्वान प्रतिनिधि ने जो लिखित बहस पेश की है उसके अनुसार प्रार्थी पृथ्वीराजपुरा रेलवे स्टेशन पर एक घण्टे प्रतिदिन के लिए दैनिक वेतन पर नियुक्त किया गया था जिसका रोजाना का हिसाब माह के अंत में किया जाता था

जो 40 रु. से 300 रु. प्रतिमाह था। जिसका भुगतान स्टेशन मास्टर इम्प्रेस्ट कैश से करता था उनका तर्क है कि वेतन के मद से इस कर्मचारी का कोई भुगतान नहीं हुआ और वह श्रमिक की श्रेणी में नियुक्त नहीं हुई और न वह नियमित नियुक्त किया गया, न नियमों के अनुसार कोई नियुक्ति है उसे मात्र कुछ घण्टे के लिए ही काम कर लिया गया था इसलिए औद्योगिक विवाद अधिनियम की धारा-25एफ का कोई उल्लंघन नहीं हुआ है क्योंकि धारा-25एस के अंतर्गत वह श्रमिक की परिभाषा में नहीं आता है। प्रार्थी 3 अगस्त तक कार्यस्थल पर आया उसके बाद उसने स्वयं ने कार्य करना बंद कर दिया और पूरे महीने अनुपस्थिति दर्ज की जाती रही और माह के अंत में उसका नाम रजिस्टर से काट दिया गया। कई वर्षों तक काम पर नहीं आने के बाद 1997 में 9 वर्ष बाद अत्यधिक देरी से समझौता अधिकारी के यहां विवाद पेश किया इसलिए प्रार्थी का वाद खारिज किये जाने योग्य है। उसे कोई राहत नहीं दिलाई जा सकती। अपने तर्क के समर्थन में विद्वान प्रतिनिधि ने निम्न प्रोद्घरण प्रस्तुत किये—

1. घूमिधन आफ इण्डिया एवं अन्य बनाम विशम्बर दत्त बनाम (1996) 11 एससीसी 341,
2. डिबीजनल फोरेस्ट ओफिसर बनाम रघुवीर एण्ड अन्य 2002 (1) डब्ल्यू एल सी (राज.) 501,
3. नरेन्द्र सिंह सौलंको बनाम राँ एण्ड फिनिशिंग प्रोडक्शन एवं अन्य 2000(2) डब्ल्यूएलसी (राज.) 649,
4. हवासिंह बनाम प्रशासक कृषि उपज मण्डी 2000 (2) डब्ल्यू.एलसी (राज.) यूसी. 30,
5. विजय सिंह चारण बनाम प्रबंधक श्री श्वेताम्बर नाकोडा पर्ववन्थ तीर्थ मेवा नगर और अन्य 1999(2) डब्ल्यू.एल.सी. (राज.) 420,
6. रामलखन सिंह बनाम पीठासीन अधिकारी लेबर कोर्ट चण्डीगढ़ 1988 लेब, आई.सी. 867,
7. हिमांशु कुमार विद्यार्थी बनाम स्टेट आफ बिहार 1997(4) एससीसी-391, मैंने प्रस्तुत किये गये प्रोद्घरणों को आदर सहित पढ़ा।
8. जहां तक विवाद को देरी से उठाये जाने का प्रश्न है इस मामले में माननीय उच्चतम न्यायालय ने यह सिद्धान्त प्रतिपादित किया है कि यदि श्रमिक ने विवाद देरी से उठाया है और उसका उचित स्पष्टीकरण भी दिया है तथा मामला मृतप्रायः हो गया तो मात्र देरी से विवाद उठाये जाने के कारण श्रमिक का मामला खारिज नहीं किया जा सकता। दोनों पक्षों ने इस संबंध में जो प्रोद्घरण प्रस्तुत किये हैं उन सब में इस तथ्य का निचोड़ देकर माननीय उच्चतम न्यायालय ने यह सिद्धान्त प्रतिपादित किया है। इस सिद्धान्त के अनुसार इस मामले में पूर्ण दृष्टिपात करने से यह जाहिर होता है कि प्रार्थी ने सेवा

- 4-8-89 को छोड़ी या समाप्त की गई हो जो भी तथ्य हो विवाद 4-8-89 को उत्पन्न हो गया और सर्वप्रथम 1997 में समझौता अधिकारी के यहां उत्पन्न विवाद को उठाया गया और इस प्रकार 8 वर्ष की जो अत्यधिक विलंब से विवाद उठाया गया इसका कहीं कोई निश्चित स्पष्टीकरण प्रार्थी ने नहीं दिया जब 4-8-89 से सेवायें समाप्त हो गईं उसको कोई वेतन नहीं दिया गया और 8 वर्ष तक विवाद नहीं उठाना निश्चित तौर पर विवाद मृतप्रायः हो जाता है और 8 वर्ष पश्चात् उसको पुनर्जिवित नहीं किया जा सकता।
8. यहां मामला एकमात्र देरी का ही नहीं है प्रश्न यह भी है कि प्रार्थी को सेवा से हटाया नहीं गया, उसने स्वयं ने 4-8-89 से कार्य पर आना बंद कर दिया जो अप्रार्थी द्वारा प्रस्तुत किये गये शपथ-पत्रों एवं उपस्थिति पंजिका की प्रतिलिपि से प्रगट होता है। प्रार्थी स्वयं यह तथ्य स्वीकार करता है कि उसे मात्र दो घण्टे के हिसाब से पार्ट टाइम पर लगाया गया था और जैसाकि अप्रार्थी के विद्वान प्रतिनिधि द्वारा प्रस्तुत प्रोद्धारण यूनियन आफ इण्डिया बनाम बिशम्बर दत्त में यह निर्धारित किया गया है कि पार्ट टाइम कर्मचारी नियमितीकरण का अधिकारी नहीं है और माननीय उच्चतम न्यायालय द्वारा प्रतिपादित इस सिद्धान्त के अनुसरण में माननीय राजस्थान उच्च न्यायालय ने भी नरेन्द्र सिंह सौलंकी के मामले में यह सिद्धान्त प्रतिपादित किया है कि सेवा मुक्ति का कोई आदेश अभिलेख पर नहीं है, उसकी छंटनी नहीं की गई न सेवा मुक्ति की और कर्मकार ने 8 वर्ष की देरी के पश्चात् मामला उठाया है जिसका स्पष्टीकरण नहीं है। कर्मकार ने सेवाओं को त्याग दिया था और स्वयं कर्तव्य पर उपस्थित नहीं हुआ ऐसे मामले में कर्मकार कोई राहत पाने का अधिकारी नहीं है। इसी तरह हवासिंह बनाम प्रशासक के मामले में भी माननीय राजस्थान उच्च न्यायालय ने यह सिद्धान्त प्रतिपादित किया है कि याची नियमित रूप से चयनित नहीं था उसकी सेवाओं का नियमितीकरण होने का प्रश्न उत्पन्न नहीं होता और विजय सिंह चारण के मामले में भी माननीय राजस्थान उच्च न्यायालय ने यह निर्धारित किया है कि प्रार्थी ने स्वयं ने सेवा त्यागी स्वतः सेवा समाप्ति का कोई मामला नहीं है, छंटनी का भी कोई मामला नहीं है। अतः याची अनुतोष का अधिकारी नहीं है। रामलखन सिंह के मामले में माननीय पंजाब व हरियाणा उच्च न्यायालय ने यह सिद्धान्त प्रतिपादित किया है कि पार्ट टाइम श्रमिक का मामला औद्योगिक विवाद अधिनियम के अंतर्गत नहीं आता। इन प्रतिपादित सिद्धान्तों के रहते हुए प्रार्थी के विद्वान प्रतिनिधि ने जो यशवन्त सिंह बनाम स्टेट आफ राजस्थान का मामला उद्धरित किया है उसमें यह निर्धारित किया गया है कि पार्ट टाइम कर्मचारी को वेतन फुल टाइम कर्मचारी के समान नहीं हो सकते। पार्ट टाइम कर्मचारी श्रमिक है और उसकी सेवा मुक्ति छंटनी की तारीफ में नहीं आती है परन्तु इस प्रोद्धारण से प्रार्थी को इसलिए कोई लाभ नहीं पहुँचता क्योंकि प्रार्थी की छंटनी नहीं की गई,

उसको नियमित सेवा में नहीं रखा गया, उसे सेवा मुक्त नहीं किया गया, उसने स्वयं ने कार्य पर आना बंद कर दिया। इससे इस प्रोद्धारण में प्रतिपादित सिद्धान्त से प्रार्थी को कोई लाभ नहीं पहुँचता।

9. इस तरह उक्त प्रतिपादित सिद्धान्तों के अनुसार भी चूंकि प्रार्थी मात्र पार्ट टाइम दो घण्टे के लिए नियुक्त था उसकी नियमित सेवा नहीं थी सिर्फ सफाई के लिए आवश्यक कार्य हेतु रखा गया था, उसकी सेवा समाप्त नहीं की गई उसने स्वयं ने काम पर आना बंद कर दिया और उसके आठ वर्ष पश्चात् देरी से यह मामला उठाया गया, इन कारणों से प्रार्थी तीर्थ सिंह इस मामले में कोई राहत पाने का अधिकारी नहीं है।
10. उपरोक्त विवेचन के आधार पर निम्न अवार्ड पारित किया जाता है कि —
- “श्री तीर्थ सिंह श्रमिक की सेवायें दिनांक 4-8-89 से डी.आर.एम. उत्तर रेलवे, बीकानेर द्वारा समाप्त किया जाना न्यायोचित है। श्रमिक कोई राहत पाने का अधिकारी नहीं है।”
11. उक्त आशय का अवार्ड पारित किया जाता है; जिसे प्रकाशनार्थ केन्द्र सरकार को अंतर्गत धारा-17(1) अधिनियम भेज जावे।
12. अवार्ड आज दिनांक 13-7-2004 को लिखाया जाकर सुनाया गया।

पी. एल. हिस्सारिया, न्यायाधीश

नई दिल्ली, 10 सितम्बर, 2004

का. आ. 2486.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दी बैंक ऑफ राजस्थान लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय औद्योगिक अधिकरण जयपुर के पंचाट (संदर्भ संख्या आई.डी. नं० 38/89) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09-09-2004 को प्राप्त हुआ था।

[ सं० एल-12012/20/88-आई आर (बी-1) ]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 10th September, 2004

S.O. 2486.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 38/89) of the Central Industrial Tribunal Jaipur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Rajasthan Ltd. and their workman, which was received by the Central Government on 09-09-2004.

[No. L-12012/20/88-IR (B-I)]

AJAY KUMAR, Desk Officer

## अनुबन्ध

## केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आई.टी. 38/89

रैफरेंस : केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्र० एल.  
12012/20/88-डी 4 (ए) दिनांक 4-3-1989

1. राजस्थान बैंक एम्प्लॉईज यूनियन, परवाना भवन, माधोबाग, जोधपुर।
2. राजस्थान बैंक एम्प्लॉईज यूनियन।
3. श्री शिवबालक पुत्र श्री अमर लाल एवं श्री सुरेशचंद पुत्र श्री बी. सिंह।
4. राजस्थान बैंक एम्प्लॉईज यूनियन, जयपुर।

—प्रार्थीगण

## बनाम

दी बैंक ऑफ राजस्थान लि०, जयपुर।

—अप्रार्थी

## उपस्थित

पीठासीन अधिकारी : श्री पी. एल. हिस्सारिया, आर. एच.जे.एस.  
प्रार्थीगण की ओर से : श्री जे. एल. शाह एवं  
श्री एम. एफ. बेग  
अप्रार्थी बैंक की ओर से : श्री आलोक फतहपुरिया

दिनांक अवार्ड : 15-4-2004

## अवार्ड

1. केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न विवाद  
इस न्यायाधिकरण को अधिनिर्णयार्थ प्रेषित किया गया है :

“Whether the action of the management of Bank of Rajasthan Ltd. in terminating the services of the workmen mentioned in the Annexure and not considering them for further employment while recruiting fresh hands Sec. 25H of the I.D. Act is justified? If not, to what relief are the workmen concerned entitled?”

2. रैफरेंस में वर्णित 84 श्रमिकों की सूची, जो कि अनैक्सचर में दर्शाये गये हैं, निम्न प्रकार हैं :

1. सर्वश्री सुनील सिंहल
2. रेवती प्रसाद गुप्ता
3. गोप सिंह
4. रमेश चन्द्र
5. बग्गा राम
6. प्रभुमन कुमार जैन
7. राधे श्याम
8. महेन्द्र सिंह चौहान

9. निमेश कुमार गुप्ता
10. दामोदर प्रसाद
11. सुश्री लीला अग्रवाल
12. श्याम सुन्दर
13. रेखा राम सिसोदिया
14. राजेश कुमार जैन
15. रूपा राम जोशी
16. राधेश्याम योनी
17. कु० अंजुला गुप्ता
18. शुभ करण जैन
19. हरीराम रेलिया
20. रेखा खण्डेलवाल
21. कु० स्नेहलता जैन
22. पारसमल जैन
23. शाह नवाज आसकीन
24. फाहिम अख्तर
25. सुगन चंद जैन
26. मुरली मनोहर शर्मा
27. शांतिलाल जैन
28. बसंत कुमार देवपुरा
29. ब्रिजेन्द्र कुमार गुप्ता
30. कु० सीमा जुनेजा
31. प्रकाश चंद कोठारी
32. ओम प्रकाश अग्रवाल
33. महेन्द्र मंत्री
34. शालिनी संचेती
35. शंकरलाल
36. नन्दकिशोर वैष्णव
37. राम कुमार शर्मा
38. भंवर लाल वैष्णव
39. श्याम लाल वैष्णव
40. ओम प्रकाश जैन
41. राजेन्द्र जोशी
42. जय गिरिराज सिंह
43. मनोज कुमार मेहता
44. छन्नु मल पटवा
45. बाबू लाल जैन
46. महेश कुमार माहेश्वरी
47. सतीश चन्द्र अग्रवाल
48. पुष्पेन्द्र कुमार जैन
49. अनिल कुमार मेहता

50. प्रेम-शंकर छोबोरा
51. रतन लाल बियानी
52. राधेश्याम
53. भंवर लाल
54. सुरेशपुरी गोस्वामी
55. दिलीप कुमार
56. अरुण बाघेल
57. रमेश चंद टेलर
58. गोपाल लाल शर्मा
59. राजेन्द्र सिंह राजावत
60. सुरेश कुमार शर्मा
61. कु० नीलम शर्मा
62. परमानन्द खण्डेलवाल
63. श्रीमती दीपा जोशी
64. हनुमान प्रसाद विजय
65. सतीश चन्द्र शर्मा
66. महेश कुमार अग्रवाल
67. राजेश कुमार शर्मा
68. चन्द्र प्रकाश सोनी
69. राजेश कुमार गुप्ता
70. महेन्द्र कुमार जैन
71. राकेश कुमार शर्मा
72. रमेश चंद मंगल
73. राज कुमार शर्मा
74. मोहन कुमार पारीक
75. पारस कुमार जैन
76. ओम प्रकाश खण्डेलवाल
77. शिव बालक
78. श्रीमती सरिता जैन
79. सुरेश चंद
80. नरेन्द्र कुमार
81. सुशील कुमार अग्रवाल
82. गोपाल लाल
83. गोविन्द राम मूलचन्दानी
84. नरेश कुमार

2. रैफरेंस में वर्णित 84 श्रमिकों में से 58 श्रमिकों ने एक साथ क्लेम पेश किया है, जिसे सुविधा की दृष्टि से क्लेम सं० 1 वर्णित किया जा रहा है। 9 श्रमिकों ने अलग से क्लेम पेश किया है जिसे सुविधा की दृष्टि से क्लेम सं० 2 वर्णित किया गया है, 6 श्रमिकों ने अलग से क्लेम पेश किया है जिसे क्लेम सं० 3 वर्णित किया जा रहा है। ये तीनों क्लेम संबंधित श्रमिकों ने अपनी-अपनी यूनियनों के माध्यम से पेश किये हैं। दो श्रमिकगण सर्वश्री शिव बालक व सुरेश चंद द्वारा व्यक्तिगत हैसियत से क्लेम पेश किया गया है, शेष श्रमिकगण की ओर से कोई क्लेम पेश

नहीं किया गया है। इन सभी क्लेमस के अनुसार सम्मिलित तथ्य इस प्रकार हैं कि इन क्लेमस में वर्णित श्रमिकगण को अप्रार्थी बैंक ऑफ राजस्थान लि० के द्वारा समय-समय पर विभिन्न तिथियों पर अस्थाई तौर पर चपरासी अथवा लिपिक के पद पर नियुक्त किया गया और उन्हें बिना कोई नोटिस दिये सेवा से पृथक कर दिया। इस प्रकार धारा 25-जी एवं 25-एच औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में अधिनियम लिखा जा रहा है) तथा इस अधिनियम के अन्तर्गत बने नियम 76, 77 एवं 78 का उल्लंघन किया गया है। आज्ञापक प्रावधानों की पालना नहीं की और श्रमिकगण को सेवा पृथक करने के पश्चात् उन छंटनी किये गये श्रमिकों को कोई नोटिस दिये बिना और उन्हें नियोजन का अवसर दिये बिना ही नये श्रमिकों की भर्ती कर ली जो स्पष्टतः धारा 25-एच अधिनियम का उल्लंघन है और ऐसी सूरत में उक्त समस्त श्रमिकों को सेवा मुक्ति की तिथि से सेवा में बहाल किया जाये तथा उन्हें विगत के समस्त वेतन, सुविधा व सेवा लाभ दिलाये जायें।

3. अप्रार्थी बैंक की ओर से इन चारों क्लेमों का अलग-अलग जवाब पेश किया गया है किन्तु चारों जवाब में अन्तरवस्तु एक सी है। इन जवाब के अनुसार प्रारंभिक आपत्ति यह ली गई है कि धारा 2 (के) अधिनियम के अन्तर्गत कोई औद्योगिक विवाद उक्त श्रमिकों एवं अप्रार्थी के मध्य नहीं है, न इन श्रमिकों ने विवाद उठाने के लिए किसी यूनियन अथवा व्यक्ति विशेष को अधिकृत किया है और यह औद्योगिक विवाद की परिभाषा में नहीं आता इसलिए रैफरेंस में वर्णित यूनियन द्वारा प्रस्तुत सभी क्लेम अवैधानिक होने से संधारणीय नहीं हैं और खारिज किये जाने योग्य हैं। इस रैफरेंस से संबंधित सभी व्यक्तियों को विपक्षी बैंक द्वारा कभी भी डिस्चार्ज, डिसमिस या छंटनी नहीं किया गया। अप्रार्थी ने अपने यहां व्यक्तियों को आकस्मिक कर्मचारियों के अवकाश पर जाने के कारण एक निश्चित अवधि के लिए नियुक्त किया था और उक्त निश्चित अवधि तक श्रमिकों ने कार्य करना स्वीकार किया था। उक्त अवधि समाप्त होने के पश्चात् नियोजन की शर्तों के अनुसार उनकी सेवाएं स्वतः ही समाप्त हो गई। अप्रार्थी द्वारा उन्हें डिस्चार्ज, डिसमिस, टर्मीनेट या रिट्रेन्च नहीं किया गया। उक्त श्रमिकों द्वारा 7 वर्ष की अवधि के पश्चात् यह क्लेम पेश किया गया है जो देरी ना होने के कारण चलने योग्य नहीं हैं। वर्ष 1986 में अप्रार्थी ने स्थाई पदों के लिए लिखित परीक्षा व साक्षात्कार के बाद योग्य व्यक्तियों का चयन किया और सूचना के आधार पर इन व्यक्तियों का चयन नहीं होना यह प्रमाणित करता है कि वे व्यक्ति स्थाई कर्मचारी के रूप में स्थाई पद पर नियोजित होने योग्य नहीं थे, इसलिए सभी श्रमिकों के क्लेम खारिज किये जाने योग्य हैं। चूंकि कर्मचारियों की छंटनी कभी नहीं की गई, जो धारा 25-एफ अधिनियम के अन्तर्गत की जाती है, और जब छंटनी नहीं की गई है तो ऐसी सूरत में धारा 25-एच का उल्लंघन अप्रार्थी ने नहीं किया है। किसी भी श्रमिक ने वर्ष में 240 दिन या इससे अधिक दिवस कार्य नहीं किया, ऐसी सूरत में धारा 25-एफ अधिनियम के प्रावधान लागू नहीं होते। राज्य सरकार का रैफरेंस पूर्णतः अवैध है जो चलने योग्य नहीं है।

4. अप्रार्थी की ओर से श्रमिकों द्वारा प्रस्तुत क्लेमस का पैरावाईज उत्तर दिया गया है जिसमें यह भी बताया गया है कि यह रैफरेंस अवैधानिक है तथा संधारणीय नहीं है, इस मामले में धारा 25-एच

अधिनियम लागू नहीं होती है, क्लेम अधिकृत व्यक्तियों व अधिकृत यूनियन द्वारा पेश नहीं किया गया है, न ही श्रमिकगण यूनियन के सदस्य हैं। सभी श्रमिक एक निश्चित अवधि के लिए नियुक्त किये गये थे और अवधि समाप्त होते ही उनकी सेवाएं स्वतः ही समाप्त हो गई, उनकी किसी भी प्रकार से छंटनी नहीं की गई। धारा 2(00)(बीबी) अधिनियम का समावेश संशोधन के द्वारा अधिनियम में 18-8-84 को किया गया जिसमें भी सीमित अवधि के लिए नियुक्त व्यक्तियों की अवधि समाप्त होने के पश्चात् स्वतः सेवा समाप्ति को छंटनी की परिभाषा में नहीं माना है। इसलिए जब छंटनी नहीं है तो धारा 25-एच के प्रावधान लागू नहीं होते, अधिनियम 77, 78 के प्रावधान भी लागू नहीं होते और सभी श्रमिकों के क्लेम खारिज किये जाने योग्य हैं, इसलिए इनको खारिज किया जावे।

5. इन सभी प्रस्तुत क्लेम की पुष्टि में प्रार्थीगण की ओर से निम्नलिखित व्यक्तियों के शपथ पत्र पेश किये गये हैं जिनसे अप्रार्थी बैंक के विद्वान प्रतिनिधि द्वारा जिरह की गई है :

1. सर्वश्री रमेश मंगल
2. हनुमान प्रसाद विजय
3. राजेश शर्मा
4. राजेन्द्र सिंह राजावत
5. चन्द्र प्रकाश सोनी
6. महेश अग्रवाल

ये 6 शपथ पत्र क्लेम सं० 3 के श्रमिकों द्वारा प्रस्तुत किये गये हैं।

इसके पश्चात् निम्न श्रमिकों के शपथ पत्र और प्रस्तुत हुए हैं :

1. सर्वश्री रूपा राम जोशी
2. शुभकरण जैन
3. भागाराम कुम्हार
4. भंवरलाल मेनारिया
5. शंकरलाल पीलीबगड़
6. श्याम सुन्दर शाह
7. रेखाराम सिसोदिया
8. प्रकाशचंद कोठारी
9. राधेश्याम सोनी
10. गोपाल लाल शर्मा
11. महेश कुमार महेश्वरी
12. नंदकिशोर वैष्णव
13. सतीशचन्द्र अग्रवाल
14. सुरेश चन्द्र

इन सभी के साथ यूनियन के महामंत्री श्री महेश मिश्रा का शपथ पत्र भी श्रमिकों की ओर से पेश किया गया है।

6. इनके खण्डन में अप्रार्थी बैंक की ओर से निम्नलिखित बैंक अधिकारियों के शपथ पत्र प्रस्तुत किये गये हैं जिनसे प्रार्थीगण के विद्वान प्रतिनिधि ने जिरह की :

1. सर्वश्री मनोहर लाल तोदी
2. श्री सुमन लाल सिंघल

3. श्री भंवरलाल श्रीमाल
4. श्री तेजसिंह कावड़िया
5. श्रीमाणकचन्द्र खंडेलवाल
6. श्री नंदकिशोर त्रिपाठी
7. श्री कैलाश चन्द्र शर्मा
8. श्री बृजलाल अग्रवाल
9. श्री छीतरमल जैन
10. श्री त्रिलोक चन्द्र अग्रवाल
11. श्री गणपतराय सिंघवी
12. श्री सुभाष कासलीवाल

7. श्रमिकगण की ओर से दस्तावेज पेश हुए हैं तथा अप्रार्थी बैंक की ओर से भी प्रदर्श एम-1 से एम-48 दस्तावेज प्रस्तुत हुए हैं। मैंने दोनों पक्षों के विद्वान प्रतिनिधिगण की बहस सुनी, पत्रावली का ध्यानपूर्वक अवलोकन किया।

8. मेरे समक्ष प्रार्थीगण की ओर से श्री जे० एल० शाह ने तर्क दिया है कि धारा 2(00)(बीबी) का प्रावधान दिनांक 18-8-84 को संशोधन के द्वारा अधिनियम में समाविष्ट किया गया है, जिसमें निश्चित अवधि के लिए नियुक्त व्यक्तियों की अवधि समाप्त होने पर स्वतः सेवा समाप्ति को छंटनी नहीं माना गया है। यह प्रावधान भूतलक्षी प्रभाव से नहीं है। जिन श्रमिकों को 18-8-84 से पूर्व सेवा मुक्त कर दिया गया है, उनके स्थान पर जो नये श्रमिक उक्त सेवा मुक्त किये गये श्रमिकों को नोटिस के द्वारा अवसर दिये बिना, नियुक्त कर दिये गये हैं, उनकी कार्य अवधि अथवा 18-8-84 से पूर्व की अवधि जो भी पहले हो, उस तक बाद में नियुक्त किये ये श्रमिकों को जो वेतन दिया गया है, उसके बराबर का वेतन पाने के अधिकारी हैं। अन्य श्रमिकों के लिए उनका यह तर्क रहा है कि निश्चित अवधि तक की सेवा नियुक्ति की जाना व सेवा स्वतः समाप्त होना साबित नहीं है। इसलिए वे सभी श्रमिक भी पूर्व सेवा का लाभ प्राप्त करने के अधिकारी हैं। इसी तरह श्री एम० एफ० बेग ने अपने तर्क में यही कहा है कि सभी श्रमिक धारा 25-एच के प्रावधान का लाभ प्राप्त करने के अधिकारी हैं क्योंकि धारा 25-एच का लाभ धारा 25-एफ अधिनियम से स्वतंत्र प्रावधान है और सीमित अवधि के नियुक्ति के प्रावधान इसमें लागू नहीं हैं इसलिए 240 दिन से कम अवधि तक काम करने पर भी धारा 25-एच अधिनियम एवं नियम 76, 77 व 78 के लाभ प्राप्त करने के श्रमिकगण अधिकारी हैं। अपने तर्क के समर्थन में विद्वान प्रतिनिधिगण ने निम्न प्रोद्धारण प्रस्तुत किये हैं :

1. सूर्य प्रकाश शर्मा बनाम आर. टी. बी. बी. जयपुर, 1991 (2) आर. एल. आर., 691
2. सैन्ट्रल बैंक आफ इण्डिया बनाम एस. सत्यम व अन्य, 1996 टीटी एल.एल.जे. पेज 820 (एस.सी.)
3. प्रिंसीपल मेयो कालेज, अजमेर/लेबर कोर्ट, जयपुर व अन्य 1987 (टीटी) आर.एल.आर. 421 (मान. राज.उच्च न्या.)

9. इसके विपरीत अप्रार्थी के विद्वान प्रतिनिधि ने तर्क दिया है कि रैफरेंस 84 व्यक्तियों का है, परन्तु सभी श्रमिकगण द्वारा क्लेम पेश नहीं

किया गया है। साक्ष्य में मात्र 20 श्रमिक हो आये हैं। 20 के अलावा अन्य किसी भी श्रमिक ने क्लेम की पुष्टि में कोई साक्ष्य नहीं दी है इसलिए जिन श्रमिकों की ओर से कोई साक्ष्य नहीं आई है उनके संबंध में कोई विवाद नहीं अवार्ड पारित किया जावे। उनका यह भी तर्क है कि सभी श्रमिक जो साक्ष्य में आये हैं, उन्होंने जिरह में इस बात को स्वीकार किया है कि उनकी नियुक्ति एक सीमित अवधि के लिए की गई थी और उन्होंने सिर्फ उक्त सीमित अवधि तक ही कार्य किया है जिसके नियुक्ति पत्र पर अपने हस्ताक्षर जिरह में उन्होंने स्वीकार किये हैं और सीमित अवधि के लिए नियुक्ति होने के कारण उक्त अवधि समाप्त होने पर स्वतः ही उनकी सेवाएं समाप्त हुई हैं, उनकी कोई छंटनी नहीं की गई, इसलिए न तो धारा 25-एच के प्रावधान इसमें लागू होते हैं और न ही नियम 76, 77 व 78 के प्रावधान लागू होते हैं क्योंकि यह मामला छंटनी का नहीं है। इस तथ्य का समावेश 18-8-84 को विधायिका ने अधिनियम में संशोधन कर धारा 2(00)(बीबी) जोड़कर कर दिया जिसमें ऐसी स्वतः सेवा समाप्ति को छंटनी को परिभाषा में नहीं माना गया। किसी भी श्रमिक ने वर्ष भर में 240 दिन या उससे अधिक कार्य नहीं किया, मात्र 80 दिवस, 90 दिवस, 140 या 180 दिन तक ही कार्य किया है इस अवधि के लिए ही उनकी नियुक्ति की गई थी। अतः जब छंटनी ही नहीं है तो धारा 25-एच अधिनियम के प्रावधान लागू नहीं होते और श्रमिकगण कोई रहत पाने के अधिकारी नहीं हैं।

10. उनका यह भी तर्क है कि श्रमिक सतीश चन्द्र अग्रवाल ने अपने शपथ पत्र में 7-9-83 से 26-11-83 तक 80 दिवस कार्य करना बताया है परन्तु अप्रार्थी के अभिलेख से उक्त श्रमिक द्वारा अप्रार्थी बैंक में कभी भी कोई काम नहीं किया गया, न ही उसे कोई नियुक्ति दी गई और जिरह में उसने इस बात को स्वीकार किया है कि उसके पास अप्रार्थी बैंक में कार्य करने के संबंध में किसी प्रकार की कोई साक्ष्य नहीं है। अप्रार्थी के साक्षी सुभाष कासलोवाल ने अपने शपथ पत्र में स्पष्ट तौर पर कहा है कि सतीश चन्द्र अग्रवाल को अप्रार्थी बैंक में कभी भी नियोजित नहीं किया। इसलिए सतीश चन्द्र अग्रवाल का तो नियोजन ही साबित नहीं है, इस कारण भी वह कोई लाभ पाने का अधिकारी नहीं है।

अप्रार्थी के विद्वान प्रतिनिधि ने अपने तर्कों के समर्थन में निम्न प्रोद्घरण प्रस्तुत किये हैं :

1. राजबीर सिंह बनाम जज, लेबर कोर्ट, 1995 (1) आर.एल.आर. पेज 518 (मान.राज. उच्च न्या.)
2. राजीव कुमार शर्मा बनाम स्टेट आफ राजस्थान, 1955(2) डब्ल्यू.एल.एन. 534 (मान. राज.उच्च न्या.)
3. छगन लाल सेठी बनाम स्टेट आफ राजस्थान, 1996 (1) एल. एल. एन. 222
4. कृष्ण मुरारी प्रसाद व अन्य बनाम इलाहाबाद बैंक व अन्य 1992 (81) एफ.एल.आर. 107 (मान. पटना उच्च न्या.)
5. जे. सैमसन जयसिंह बनाम मलियम प्लान्टेशन लि., 1988 (73) एफ.एल.आर. 337 (मान. केरला उच्च न्या.)
6. 1986 (1) एल.एल.जे. 447 पटेल इवेलिन रणछोरभाई बनाम गुजरात आयुर्वेद यूनीवर्सिटी जामनगर।

11. मैंने दोनों पक्षों के प्रतिनिधिगण को बहस पर गंभीरता से विचार किया, प्रस्तुत प्रोद्घरणों को आदरसहित पढ़ा तथा पत्रावली का ध्यानपूर्वक अवलोकन किया।

12. दिनांक 18-8-84 को धारा 2(00)(बीबी) संशोधन को जोड़े जाने के पश्चात्, जो कि भूतलक्षी प्रभाव से नहीं है, जैसा कि प्रिंसिपल मेयो कालेज बनाम जज, लेबर कोर्ट, जयपुर में माननीय राजस्थान उच्च न्यायालय ने अभिनिर्धारित किया है, विधि की यह स्थिति आती है कि किसी भी व्यक्ति की सेवा सीमित अवधि के लिए नियुक्ति दी गई है उस अवधि के पश्चात् सेवा स्वतः समाप्त हो गई है तो वह छंटनी की परिभाषा में नहीं आती और उस व्यक्ति को धारा 25-एच अधिनियम अथवा नियम 76, 77 व 78 का लाभ नहीं मिल सकता। इस सिद्धांत को निम्न प्रोद्घरणों में निम्न प्रकार से प्रतिपादित किया गया है :

1. राजबीर सिंह बनाम जज, लेबर कोर्ट (सुपरा) में :  
Termination contract of employment automatically came to and after expiry of contractual period and till then the petitioner (workman) had worked only for 94 days, hence S.25 F not applicable Provisions of S. 25-H also not applicable in such a case of automatic termination of services.

In Rajeev Kumar Sharma Vs. State of Rajasthan and others (supra) It was decided that "Sec. 25-F 25-G, 25-H and 25-T, Petitioners put in 164 days continuous service instead of 240 days held: He is not entitled to protection of Sec. 25-F 25-G, 25-H and 25-T."

13. इसी प्रकार छगन लाल सेठी बनाम स्टेट आफ राजस्थान व अन्य में भी माननीय राजस्थान उच्च न्यायालय ने उक्त सिद्धांत को प्रतिपादित करते हुए धारा 25-जी व 25-एच का लाभ इस प्रकार के श्रमिक प्राप्त नहीं कर सकते, का सिद्धांत प्रतिपादित किया है।

14. कृष्ण मुरारी प्रसाद बनाम इलाहाबाद बैंक में माननीय पटना उच्च न्यायालय ने भी यही सिद्धांत प्रतिपादित किया है तथा जे. सैमसन जयसिंह बनाम मलयालम प्लान्टेशन्स लि. में भी धारा 2(00)(बीबी) को 18-8-84 को जोड़े जाने के कारण आकस्मिक श्रमिक को सेवा अवधि समाप्त होने पर सेवा मुक्ति को छंटनी नहीं माना है। इसी प्रकार पटेल एंवलिन रणछोरभाई बनाम गुजरात आयुर्वेद के मामले में भी माननीय गुजरात उच्च न्यायालय ने यही सिद्धांत प्रतिपादित किया है कि जिस व्यक्ति को नियुक्ति नियमित तौर पर नियमों के अनुसार हुई है, वे अन्य नियमित नियुक्ति व्यक्तियों से तुलना नहीं कर सकते। उक्त प्रोद्घरणों में प्रतिपादित सिद्धांत को दृष्टिगत रखने पर प्रार्थीगण के विद्वान प्रतिनिधि ने जो प्रोद्घरण प्रस्तुत किये हैं, वे या तो धारा 2(00)(बीबी) के प्रावधान के पूर्व के हैं, और अप्रार्थीगण द्वारा प्रस्तुत प्रोद्घरणों में प्रतिपादित सिद्धांतों से पूर्व के हैं जिनका रैफरेंस उक्त प्राद्घरणों में आ चुका है। ऐसी सूरत में प्रार्थीगण के विद्वान प्रतिनिधि ने जो उक्त प्रोद्घरण प्रस्तुत किये हैं, उनसे प्रार्थीगण को कोई लाभ नहीं पहुंचता। जिन श्रमिकों ने अपने शपथ पत्र पेश किये हैं, उनमें राजेन्द्र सिंह राजावत, चन्द्र प्रकाश योनी, रूपा राम जोशी, शंकरलाल, रेखाराग सिसोदिया, प्रकाश चन्द्र कोठारी व सतीश चन्द्र अग्रवाल को छोड़कर शेष सभी श्रमिकों की सेवा मुक्ति 18-8-84



के पश्चात की है जो धारा 2(00)(बीबी) के पश्चात की है। इन सभी की नियुक्ति एक निश्चित अवधि के लिए हुई है और अवधि समाप्त होने पर इनकी सेवाएं स्वतः ही समाप्त हो गई हैं, जैसा कि इन सभी साक्षियों ने अपनी जिरह में स्वीकार किया है। जिरह में इसके नियुक्ति पत्रों को भी प्रदर्शित कराया गया है तथा अप्रार्थी के साक्षियों ने भी अपने शपथ पत्र में इन सभी को अस्थाई नियुक्ति होना और अवधि समाप्त होने पर सेवा समाप्त होने के तथ्य को प्रकट किया है, इसलिए शेष सभी व्यक्ति जो कि इस संशोधन के पश्चात सेवा मुक्त हुए हैं, उक्त प्रोद्घरण में प्रतिपादित सिद्धांत के अनुसार कोई राहत पाने के अधिकारी नहीं हैं।

15. जहां तक सतीश चन्द्र अग्रवाल का प्रश्न है, उसका अप्रार्थी के यहां नियोजित होना साबित नहीं हुआ, इसलिए यह श्रमिक भी कोई राहत पाने का अधिकारी नहीं है।

16. शेष श्रमिकों में, जिनके नाम ऊपर बताये गये हैं, जो सर्वश्री आर. एस. राजावात, चन्द्र प्रकाश सोनी, महेश अग्रवाल, रूपा राम जोशी, शंकर लाल, रेखाराम सिसोदिया व प्रकाश चन्द्र कोठारी हैं, उनकी सेवा मुक्ति भी उनकी सीमित अवधि की नियुक्ति के कारण अवधि समाप्त होने पर हुई है, परन्तु उक्त संशोधन से पूर्व सेवा मुक्ति हुई है, इसलिए छंटनी की परिभाषा में आती है। छंटनी की परिभाषा में आने के बावजूद भी इन 7 व्यक्तियों में से किसी ने अपने शपथ पत्र में यह नहीं कहा है कि उनके स्थान पर किस व्यक्ति को कब नियुक्त किया गया और उसने 18-8-84 से पूर्व कब तक काम किया है जिनकी अस्थाई नियुक्ति से पूर्व इन व्यक्तियों को नोटिस नहीं दिये गये। उक्त साक्ष्य के अभाव में यद्यपि सातों व्यक्तियों की छंटनी हुई है परन्तु उनके स्थान पर किस व्यक्ति ने कितनी अवधि तक काम किया, यह प्रकट नहीं होने से उनको किसी अवधि का वेतन या लाभ नहीं दिलाया जा सकता।

17. उपरोक्त विस्तृत विवेचन के आधार पर प्रस्तुत प्रकरण में पंचाट निम्न प्रकार से पारित किया जाता है :

“बैंक आफ राजस्थान के प्रबंधतंत्र द्वारा अवार्ड के पेज नं. 2 एवं 3 में वर्णित तथा रैफरेंस के अनैक्सचर में वर्णित श्रमिकगण की सेवाएं समाप्त करने व उन्हें अधिनियम की धारा 25-एच अधिनियम के तहत पुनः नियोजन हेतु कन्सीडर न करने जबकि नये श्रमिकगण की नियुक्ति की गई, की कार्यवाही उचित एवं वैध है। श्रमिकगण कोई राहत पाने के अधिकारी नहीं हैं।”

18. अवार्ड आज दिनांक 15-4-2004 को खुले न्यायालय में लिखाया जाकर सुनाया गया जो केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जावे।

पी. एल. हिस्सारिया, पीठासीन अधिकारी

नई दिल्ली, 10 सितम्बर, 2004

का. आ. 2487.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार, केन्द्रीय सरकार लाईफ इंशोरेंस कॉर्पोरेशन आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय

सरकार औद्योगिक अधिकरण -कम-लेबर कोर्ट, लखनऊ के पंचाट (संदर्भ संख्या आई.डी. नं० 48/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09-09-2004 को प्राप्त हुआ था।

[सं० एल-17012/2/2004-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 10th September, 2004

S.O. 2487.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 48/2004) of the Central Government Industrial Tribunal /Labour Court Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Life Insurance Corporation of India and their workman, which was received by the Central Government on 09-09-2004.

[No. L-17012/2/2004-IR (B-I)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW PRESENT:

SHRIKANT SHUKLA, Presiding Officer

I. D. No. 48/2004

Ref. No. L-17012/2/2004-IR (B-I) dated : 12-4-2004

#### BETWEEN:

Shri Chander Kishore, S/o Late Shri Ghasa Prasad  
C/o Shri Rajendra Prasad Shukla  
115/93A-2, Maswanpur, Kanpur (U.P.)-19

#### AND

The Senior Divisional Manager,  
Life Insurance Corporation of India  
Divisional Office, L. I. C. Building  
Mall Road, Kanpur (U.P.)

#### AWARD

The Government of India, Ministry of Labour vide their Order No. L-17012/2/2004-IR (B-I) dated 12-4-2004 has referred the following dispute to the Presiding Officer, Central Government Industrial Tribunal cum Labour Court, Lucknow for adjudication.

“क्या सीनियर डिवीजनल मैनेजर लाइफ इन्श्योरेन्स आफ इण्डिया कानपुर द्वारा कर्मकार श्री चन्द्र किशोर, आत्मज स्व. श्री घस्सा प्रसाद को दिनांक 13-6-2002 से सेवा से निष्कासित करना न्यायोचित है? यदि नहीं तो कर्मकार किस अनुतोष का हकदार है?”

The order of reference was endorsed to Shri Chander Kishore, S/o Late Shri Ghasa Prasad, C/o Shri Rajendra Prasad Shukla, 115/93-A-2, Maswanpur, Kanpur (U.P.)-19 and it was advised to the party raising the dispute to file statement of claim alongwith relevant documents and the list of witnesses in the court within 15 days.



The said reference order was received in the court on 17-5-2004 and the court waited for the statement of claim 30-6-2004, but no statement of claim together with documents etc. was filed. In the circumstances the court ordered for the issuance of summons by registered post to the worker to file the statement of claim together with the documents etc. on 30-7-2004. The registered notice was immediately sent on 30-6-2004 and the registered article has not been received back till today i.e. 31-8-2004. It is therefore believed that the worker is duly served but the worker did not turn up nor he has filed any statement of claim till today.

The representative of the opposite party has filed the application C-3 requesting that the case be rejected out right as the worker has not filed any statement of claim till date.

### Heard

In a case Hon'ble High Court, Allahabad between V. K. Raj Industries and Labour Court (I) and others 1981 FLR page No. 194 has held as follows :

"The proceedings before the Industrial Court are judicial in nature even though the Indian Evidence Act does not apply to the proceedings but the principle underlying the said Act is applicable to the proceedings before the Industrial Court. It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. In the instant case in all the three case the State Government had referred the dispute to the Labour Court at the instance of the aggrieved workman. Consequently, the burden lay on the workman to set out the grounds challenging the validity of the termination order and to prove that the termination order was illegal. The workman did not appear nor they produced evidence, with the result that there was no material before the Labour Court for recording a finding that the order of termination passed by the employer was unjustified or illegal. In the absence of any evidence, the Labour Court had no jurisdiction to hold the order of termination illegal. The labour Court committed manifest error of law in placing the burden of proof on the employer. Held, In our opinion the Labour Court acted in excess of its jurisdiction in giving the award in favour of the workman. The award given by the Labour Court is not sustainable in law."

In the instant case the Government of India has referred the dispute to this Court at the instance of the aggrieved workman. Consequently, the burden lay on the workman to set out the grounds challenging the validity of the termination order and to prove that the termination order was illegal. The workman did not appear nor he produced evidence with the result that there is no material before the Labour Court for recording a finding that the order of termination passed by the employer was unjustified or illegal. In the absence of any statement of claim and the evidence, the this Court cannot answer the reference. Therefore, no claim award is passed.

Lucknow

31-8-2004

SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 10 सितम्बर, 2004

का. आ. 2488.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया, के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पटना के पंचाट (संदर्भ संख्या आई. सी./2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2004 को प्राप्त हुआ था।

[ सं. एल-12011/5/2002-आईआर(बी-1) ]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 10th September, 2004

S.O. 2488.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the ( Award of Misc. Case No. IC/2003) of the Industrial Tribunal Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 9-9-2004.

[No. L-12011/5/2002-IR (B-I)]

AJAY KUMAR, Desk Officer

### ANNEXURE

### BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

The Concerned workmen represented  
by State Bank of India Employees  
Union (Bihar States) 215, Ashoka Place,  
Exhibition Road, Patna

—Complainant

### VERSUS

1. The Chief General Manager,  
State Bank of India,  
Local Head Office,  
Judges Court Road, Patna.
2. The Chief Manager,  
State Bank of India,  
Darbhanga Branch,  
Laheriasarai.

—Opposite Parties

For the Management : Kumar Kalyan Mishra, Deputy Manager, SBI, Darbhanga.

For the Workman : Sri G.K. Verma, General Secretary, SBI Employees Union (Bihar State) Patna.

**PRESENT:** : Priya Saran, Presiding Officer, Industrial Tribunal, Patna.

#### **AWARD**

The 18th August, 2004

This refers to complaint U/s. 33A of the Industrial Disputes Act (hereinafter to be referred as the Act) for termination of the services of Sri Ram Prit Yadav, Rajesh Kumar Ram and Ratnesh Paswan part-time Sweeper-cum-Furrash of Darbhanga Branch of State Bank of India, in violation of legal provisions contained in the Act.

2. In short, complaint's case is that Govt. of India has referred the dispute to this Tribunal vide order No. L-12011/5/2002-IR(B-I) dated 30th May, 2002 for adjudication whether the claim of the workmen to regularise their services was justified or not, but in the meantime while the reference has been pending, the management without obtaining the permission of the Tribunal illegally terminated their services. The management is accordingly liable to punishment U/s. 31 of the Act for having violated the provisions of Sec. 33.

3. While arguing I was told that the matter of workmen's termination was disputed by the union separately as well and that has now been referred for adjudication to this Tribunal which stands numbered as Reference Case No. 12C of 2003, Since identical issue is involved and has been raised in the said Reference case, the workmen are justified enough in withdrawing their present complaint U/s. 33A of the Act. In view of above, their prayer deserves allowance.

4. In the result, this complaint u/s. 33A of the Act stands disposed of as withdrawn.

5. Award accordingly.

PRIYA SARAN, Presiding Officer

नई दिल्ली, 10 सितम्बर, 2004

का. आ. 2489.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कम लेबर कोर्ट, नई दिल्ली के पंचाट (आई. डी. नं. 82/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09-09-2004 को प्राप्त हुआ था।

[ सं० एल-12011/21/93-आईआर (बी-1) ]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 10th September, 2004

**S.O. 2489.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I. D. No. 82/93) of the Central Government Industrial Tribunal/Labour Court, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 9-9-2004.

[No. L-12011/21/93-IR (B-I)]

AJAY KUMAR, Desk Officer

#### **ANNEXURE**

**BEFORE THE PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, RAJENDRA BHAWAN, GROUND FLOOR, RAJENDRA PLACE NEW DELHI**

R. N. RAI, Presiding Officer

I. D. No. 82/93

#### **IN THE MATTER OF:**

**Sh. Sat Prakash**

Versus

**S.B.I.**

#### **AWARD**

The Ministry of Labour by its letter No. L-12011/21/93/IR (B-I) Central Government Dt. 28-10-1993 has referred the following point for adjudication.

The point runs as hereunder :-

“Whether Sh. Sat Prakash, D.S. Rawat, Shiv Kumar and Krishan Paul working in SBI Staff Consumer Cooperative Store Ltd., New Delhi are the workmen of SBI? If so, whether the action of the management of SBI in not absorbing the said workmen as regular Bank employees is legal and justified? What relief, if any, Sh. Sat Prakash, D.S. Rawat, Sh. Shiv Kumar and Krishan Paul are entitled to.”

SBI staff association has filed the statement of claim on behalf of the workman. It has been stated in statement of claim that the workmen are working in State Bank of India Staff Consumer Co-operative store which is under control and supervision of State Bank of India, local head office, New Delhi. The supervision and direction on behalf of the bank at present are under the command of Asstt. Gen. Manager, office administration, State Bank of India, New Delhi, local head office. From time to time right from the inception of the bank cooperative store in the year 1963, the bank has been appointing its manager to supervise and control over the day to day business of the Bank cooperative store. At present Sh. Kanwal Gupta employee of State Bank of India LHO, New Delhi is acting as manager and he is watching the bank interest. Sh. Kanwal Gupta is bank employee and salary is paid by the Bank. The style and name of cooperative store is as under :—

"State Bank of India staff consumers cooperative store Ltd.,"

It is obviously the State Bank of India undertaking which serves its employees and supplies various items of cleansing, stationary etc. to different Deptt. of Bank. The Bank cooperative store is used as agency to supply electrical goods etc. also. That the following workmen are working in the bank cooperative store and their designations are as under :—

- |                     |                         |
|---------------------|-------------------------|
| (i) Sh. Sat Prakash | Salesman cum accountant |
| (ii) D.S. Rawat     | Cashier                 |
| (iii) Shiv Kumar    | Counter salesman        |
| (iv) Krishan Paul   | Helper                  |

That in the year 1978 the bank took a decision that canteens run by local implementation committee at respective local Head Office should be taken over by the State Bank management. At New Delhi main branch the canteen was being run on cooperative basis. So the local Head Office management also took a decision to take over the cooperative canteen as bank employees ignoring the employees of cooperative store. This was sheer discrimination. There cannot be two sets of rules on a similar placed workmen. That the agreement dated 31-10-77 between All India State Bank of India Staff Federation and State Bank of India for taking over the canteen and its staff absorbing such employees as bank employee from 2nd Jan, 1978 and the agreement was extended to the Bank employees of cooperative canteen at New Delhi main Branch.

That the bank has admitted in its correspondence to A.L.C.(C), Government of India, Ministry of Labour, Curzon Road Barracks, New Delhi<sup>o</sup> Annexure W-2. In the said letter the bank has admitted that they are deputing manager to the Bank's cooperative store and his salary is being paid by the bank. It is obvious that the said Manager is there to watch Bank's interest and to have a full control on the functioning of the store. The Asstt. General Manager (office administration) LHO, New Delhi invariably send half Yearly statement to central office of the bank. Annexure W-3/1 & W-3/2. The said proforma also indicates the control of the bank on bank cooperative store.

That the bank has also provided furniture and space to the State Bank of India Staff consumer cooperative store and bank has also given overdraft limit to the store for Rs. 1,00,000 without any interest. Besides this bank has given various other facilities to the cooperative store as it serves the needs of the Bank employees as a whole, apart from serving the requirements of the bank in various departments such as cleansing/stationary and electrical goods etc. The Bank is conducting internal audit of the store from time to time. Please refer to Chief Manager letter addressed to Cooperative Store Ltd. dated 9-1-92 No.-VA store/954 which goes to prove that bank is getting the accounts audited and in the said letter Bank has given the

reason as to why the internal audit could be conducted. Annexure W-4 is attached to the statement of claim.

There the Personnel Manager deptt. vide their letter No. PER 32/3150 dated 6-9-91 has enquired from the office manager under whose control and supervision the store works as to how profits of store are declining. This is another proof that there was effective control of bank on cooperative store. Personnel Manager Deptt. letter dated 6-9-91 is attached to the statement of claim as annexure W-5/1 and letter No. OMD/1691 dated 19-9-91 is marked W-5/2 and is attached with the statement of claim.

There is another Bank letter No. OMD/2255 dated 31-5-83 addressed by the office manager to the manager, SBI consumer cooperative store, New Delhi. In the said letter the instructions of Under Secy, Ministry of Finance were mentioned for purchasing the products made in the Small Village and Cottage Industries. The concerned paragraph where bank's instructions were to the manager of cooperative store is as under :—

"Please ensure meticulous compliance of the abovementioned instructions immediately under advice to us. In case of any difficulty in making the said purchases, please apprise us about the same to enable us to take appropriate action"

Bank's letter dated 31-5-83 is attached to the statement of claim as Annexure W-6. From the quoted portion of the letter referred to on page 4, it should be observed that the manager of cooperative was bound to accept meticulous compliance of bank Instructions for purchasing the goods. Had the cooperative store been independent body, they would have gone for competitive rates from the market, not as per the directions conveyed in the letter referred to above.

That from time to time Bank has been paying cartage charges to the cooperative store and also ice charges. As practically the workmen working at the cooperative store were serving the bank staff and the correspondence exchanged on various matters in indication of Bank's interest and control. In this connection Chief Accountant, State Bank of India, main branch letters dated 1-11-67 and 18-11-67 are attached to the statement of claim and marked as annexure W-7/1 and W-7/2 collectively. Letter dated 16-11-71 written by Chief Accountant, State Bank of India, New Delhi to establishment section for payment of ice charges is also attached to the Statement of Claim and marked as annexure W-8.

That the letters written by Manager Estate No. MED/276 dated 2-2-85 and MED/1919 dated 26-8-85 addressed to Manager, cooperative store clearly indicate that the controlling authority of cooperative store is office Manager, State Bank of India, local Head Office, New Delhi. The said letter is attached to the statement of claim and marked as annexure W-9.

That in the year 1963 when this cooperative store came into existence the Chief Accountant, Main Branch New Delhi used to preside all meetings/General body meetings of the cooperative store. The intention behind this was that the bank have effective control on the cooperative store. In this connection managing committee report and accounts for the year ending 30th June, 1964 and 1965 are attached with the statement of claim and marked as annexure W-10/1 and W-10/2.

That there is another letter No. CH: GKA: 219 dated 1-4-72 addressed to cooperative store by the Chief Accountant, State Bank of India, Main branch New Delhi wherein the Chief Accountant while pointing out the progress report for the period 30-6-71, it is stated that the reimbursement of salaries of the weighmen has been shown by way of expenses incurred by the bank for 6 months ended 30th June, 1971. In the said letter it is also pointed out that the amount of National rent indicated also seems to be incorrect. All these things indicated that the bank's interest and progress report and correspondence so exchanged by the Bank give the clear picture of bank's control. A copy of the above mentioned letter dated 1-4-72 is marked as annexure W-11 and attached with the statement of claim.

That there was case of mis-appropriation by one State Bank of India employee Sh. S.N. Singh who was acting as manager in the cooperative store and the bank suspended and charge sheeted him for lapses as manager of store. It is clear that there was complete control of the Bank on the cooperative store. Copy of Personnel Officer, main Branch, State Bank of India, New Delhi letter addressed to the cooperative store is marked as annexure W-12 and attached with the statement of claim.

That the cooperative store was encashing coupons issued by local implementation committee, State Bank of India, Local Head Office, New Delhi, SBI Main Branch, New Delhi and following the Bank's directions from time to time for honouring such coupons. A copy of local implementation committee letter coupons No. 6 dated 18-7-78 is marked as annexure W-13 and is attached with the statement of claim. That the officiating Dy. Secy. and treasurer in his letter No. Staff/7/846 dated 13-7-64 addressed to cooperative store have written that no dividend or bonus shall be declared except with the approval of State Bank of India. So from the above letter it is clear that the control of cooperative store was solely with the Bank. A copy of the abovementioned letter dated 13-7-64 is marked as annexure W-14 and is attached with the statement of claim.

That the agreement between the State Bank of India and All India State Bank of India Staff Federation in regard to taking over canteens were entered into for the first on 31-10-77 and thereafter there were other agreements on 17-9-84 and 9-1-93. Finally last agreement was signed on

2-4-93. A copy of the last agreement signed on 2-4-93 is marked as annexure W-15 and attached with the statement of claim. But no steps were taken to initiate agreement for taking over cooperative store on the analogy of cooperative canteen taken over on 2-1-78. This is sheer discrimination between similar posted employees that is one under cooperative canteen and another under cooperative store. The employees of cooperative canteen prior to taking over of the canteen on 2nd January, 1978 were on the establishment of said canteen and in spirit of the agreement all such employees of the said cooperative canteen were appointed as bank employees. So, the Staff working at cooperative store can also be taken as bank employees. The actual controller is the State Bank of India, who controls the cooperative store through its manager Sh. Kanwal Gupta.

That cooperative canteen which was taken over by the bank on 2nd January, 1978 is still on the record of Sales Tax Office bearing Ward No. 19. Annexure W-16 attached to this statement of claim. That in number of cases the Supreme Court/High Court has ruled that tests for determining persons employed in a particular establishment, whether they are workmen or not depends on the circumstances in each case. The Supreme Court/High Court has stated that where employers provide working tools and other benefits for promoting their cause and have full control of the persons are the workmen. In this connection we make annexure of various Judgments which will strengthen the cases of the workman concerned.

The management/respondent has filed WS. In the WS it has been stated that the claimants are not the workmen of the State Bank of India as defined in Section 2(s) of the Industrial Dispute Act in as much as that there was never and is absolutely no relationship of master and servant between the applicants and the Bank. They were neither appointed by the bank nor they were or are being paid wages or any other benefits by the bank at any point of time. It will be pertinent to mention here that the State Bank of India Staff Consumers Cooperative Store Ltd. is a cooperative society registered under the cooperative societies Act and is a body corporate which can sue and be issued in its own name. It has a managing committee which manages the affairs of the society in accordance with the bye-laws of the society. It is the cooperative society which has appointed the claimants in the State Bank of India Staff Consumer Cooperative Store Ltd. and is paying the salary to them and Bank has nothing to do with the appointment of the employees of the State Bank of India Staff Consumers Cooperative Store Ltd. and has not paid any salary etc. to the employees of the store at any point of the time. Hence the claimants are employees of the State Bank of India Consumer Cooperative Store Ltd., a cooperative society which is an independent juristic person and not the employees of the bank. The Bank has no control whatsoever on the affairs/management of the cooperative

society which is an independent juristic person. The photocopy of the registration certificate of the society and the photocopy of the bye-laws of the society are enclosed herewith marked as annexure M-I, M-II respectively.

That the claimants were never and are not the workmen of the bank. They are only seeking employment under the bank. Hence an industrial dispute, as defined under section 2(K), can not exist between an employer and persons seeking employment under him. Therefore, the reference made under section 10 of the Industrial Disputes Act by the Central Government to this Court is bad in law in as much as that the power under section 10 can be exercised by the Central Government only when an industrial dispute exists or is apprehended.

That this court has no jurisdiction to entertain the dispute and make an award in as much as that there does not exist an industrial dispute under section 2(K) of the industrial dispute act. Because the applicants are not the workmen of the bank as stated in para 1 (Supra). That the present dispute is bad in law for non joinder of necessary party in so far as that State Bank of India consumer cooperative store Ltd. is a cooperative society registered under the cooperative societies Act have not been pleaded as a party to the dispute by whom in fact the applicants have been appointed and are being paid wages and in which the right to employ or dismiss an employee of the State Bank of India consumers cooperative Ltd. vests.

That the contents of para (1) of the claim being matter of record may be verified there from and as such are not denied. That the contents of para (2) of the claim do not require any specific reply. That the contents of para (3) of the claim are correct to the extent that the applicants are working in State Bank of India Staff consumers cooperative store Ltd. rest of the contents as they stand are vehemently denied. The correct facts are that State Bank of India staff consumers cooperative store Ltd. is a cooperative society registered under the cooperative society act and is a body corporate which can sue and be sued in its own name. All the rights to manage superwise and control the store are vested in management committee of the society. An employee of the State Bank of India is being deputed to the State Bank of India staff consumer cooperative stores Ltd. as manager in terms of para (10) of the scheme copy of which is enclosed and marked as annexure M-III whose salary is being paid by the bank. The manager of the store has no control whatsoever on the functioning of the store and no decision taking power is vested in him. All the decision taking powers are vested in the management committee of State Bank of India staff consumers cooperative store Ltd. including the powers to employ or dismiss the employees working in the store. The manager performs his duties under the control and supervision of the management committee. In the case, the manager does not work to the satisfaction of the management committee the later can request the bank for his immediate reversion.

That the contents of para (4) of the claim being a matter of record may be verified there from and as such are not denied. That the contents of para (5) of the claim are correct to the extent that the agreement dated 31-10-77 between All India State Bank of India Staff federation and State Bank of India for taking over the canteen was entered into a copy of which is marked as annexure M-4. This agreement has no relevance for the purpose of present dispute.

That the contents of para (6-7) of the claim are correct to the extent that an employee of the bank is being deputed to the store as manager and his salary is being paid by the bank and a half yearly statement is called for to see whether store is running into profit or loss because bank has given an overdraft limit of Rs. 1,00,000 without any interest. That in reply to the averment that the store supplies various items to various departments of this bank. It is stated that bank invariably pays the price of the same to the store.

That the contents of para (8) being matter of record may be verified there from and the applicant be put to strict proof of the same. That the contents of para (9) of the claim petition are matter of record and may be verified there from. Further we have to state that the ice charges and labour charges are not reimbursed to the store for the last more than fifteen years.

That the contents of para (10-11-12) as they state are not admitted. Moreover these are irrelevant for the purpose of the present dispute and in reply to the averments contents of the para (1) supra are reiterated. That the contents of para (13) of claim as they stated are denied. The manager of the store being an employee of the bank on deputation to the store can legally be proceeded against under his service rules for misconduct committed by him. Accordingly Sh. S.N. Singh was proceeded against in a departmental action for an act of misconduct. He was suspended also in accordance with his service rules.

That in reply to the para (14) of the claim, it is submitted that the Local Implementation committee of the bank has made the payment against the coupons issued by them against which goods have been supplied to the employees of the State Bank of India by the stores. That the contents of para (15) of the statement of claim is matter of record and may be verified there from. The Bank reserves its right to refer to the documents at the time of arguments.

That the contents of para (16-17) of the claim are correct to the extent that the various agreements have been entered into between State Bank of India Staff Federation and the State Bank of India for taking over the management of the canteen run over by the local implementation committee in accordance with the terms of those agreements. Rest of the contents are vehemently denied. However, it would be pertinent to mention here that by virtue of the said agreements, the claimants have



no right to claim employment in the bank and nor any right has vested in them to claim permanent absorption in bank's service on the basis of said agreements.

That the contents of para (18) of the claim being legal and argumentative in nature shall be suitably replied to at the time of arguments. The management craves the leave of the court to refer to the various Judgements relied upon by the claimant.

Most of the paragraphs of written statement have been denied. Only a few have been admitted and additional please have been taken.

The claimants have filed rejoinder. I have perused the rejoinder. They have reiterated the averments of their statement of claim.

Heard argument from both the sides and perused the papers on the record. It was submitted from the side of the workmen that the workmen are working in the SBI staff Consumer Cooperative Store Ltd., New Delhi and they are the workmen of the SBI. As such, the workmen should be absorbed as regular bank employees. It has been further submitted that the SBI staff Consumer Cooperative Store Ltd. is under control and supervision of the State Bank of India, Local Head Office, New Delhi and they receive payment from the SBI. As such, they work under the control of Asstt. General Manager and they are getting payment from the SBI and the Asstt. General Manager has power to suspend them and to remove them, as such the Asstt General Manager is their appointing authority. It was further submitted that in the year 1978, the bank took the decision that canteen run by Local Implementation Committee at respective Local Head Office should be taken over by the State Bank management. The canteen was also run on cooperative basis. The management has absorbed the workers of cooperative canteen as bank employees but the discrimination has been made with the workmen of the cooperative store. The cooperative canteen and the cooperative stores have been established in the same way so same rules should be applied to both of them. The bank has admitted in a letter W/2 that they are deputing manager to the Banks Cooperative Store and his salary would be paid by the bank. As such, the workmen are under the control and supervision of the State Bank of India. It was submitted by the management that in AIR 2000 SC, 1518, it has been held that the employees of canteen run by Local Implementation Committees are non-statutory canteens but so far as the cooperative canteens are concerned, there is agreement between the management and its workmen in October, 1977 and all the workmen of the canteen have been absorbed so this judgement is not applicable in the facts and circumstances of the present case. The Bangalore Water Supply is the judgement of the larger bench and according to that judgement, the employees of cooperative consumer store shall be deemed to be the employees of the SBI as they are under the direct control of the SBI and payment to them is made by the SBI.

As per letter dt. 31st May, 1983, it has been mentioned that if meticulous balance is not made the appropriate action will be taken. This letter indicates that the workmen are under the direct control of the SBI. Annexure W/9/1 is also a letter. In it, it has been mentioned that Personnel Manager or the Office Manager are the Controlling Authorities. As such, the workmen are controlled by the Manager.

W/12 is regarding misappropriation of stores funds against Shri S. N. Singh, the clerk under suspension during his incumbency of the stores as Manager and enquiry has been conducted. This also indicates that the workers are under the control of the management of the SBI. In W/14, it has been mentioned that the dividend and bonus shall be declared with the approval of the SBI. This also indicates that the workers are under the control of the management of the SBI. It was submitted from the side of the management that cooperative Consumer Stores registered under the Societies Regn. Act, as such, they are not the employees of the SBI. The Cooperative Consumer Stores no doubt has been registered under the Societies Regn. Act but it has been so registered in order to get the benefits of the Societies Regn. Act.

My attention was drawn to 1996 SCC page 42. It has been held that workers employed in canteen cannot be considered to be the workmen under the RBI but the SBI has absorbed the workers of canteen so this judgement is not applicable. 1992-II-LLJ page 782 is regarding contract workers so it is not applicable in the facts and circumstances of the case. The SBI has entered into an agreement with Cooperative Canteen and has absorbed the employees of the Cooperative canteen. Consumer Stores are on the same footing. If the same facility is not provided to the workmen of the cooperative stores. There would be discrimination and according to the judgement of the Bangalore Water Supply, the Cooperative Consumer store is an understanding of the SBI and they are under control and management of the SBI and the payment is made to them by the SBI. On these criteria, the worker of the Cooperative Consumer Stores run by the SBI shall be deemed to be the employees of the bank. The judgement cited by the management are not applicable in the facts and circumstances of this case. The judgement of the Bangalore water supply is fully applicable.

The reference is replied thus :—

Sh. Sat Prakash, D.S. Rawat, Shiv Kumar and Krishan Paul working in the SBI staff consumer cooperative store Ltd., New Delhi are the workmen of the SBI and the action of the management of the SBI in not absorbing the said workmen as regular Bank employees is neither legal nor justified. The above named workmen are entitled to be absorbed as regular bank employees.

The award is given accordingly.

Dated : 19-8-2004

R. N. RAI, Presiding Officer

नई दिल्ली, 10 सितम्बर, 2004

का. आ. 2490.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-कम-लेबर कोर्ट-II, नई दिल्ली के पंचाट (संदर्भ संख्या आई. डी. नं. 138/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2004 को प्राप्त हुआ था।

[ सं० एल-12012/209/96-आईआर (बी-1) ]  
अजय कुमार, डैस्क अधिकारी

New Delhi, the 10th September, 2004

S.O. 2490.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 138/97) of the Central Government Industrial Tribunal/Labour Court-II New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 9-9-2004.

[No. L-12012/209/96-IR (B-I)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

**BEFORE THE PRESIDING OFFICER : CENTRAL  
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT-II, RAJENDRA BHAWAN,  
GROUND FLOOR, RAJENDRA PLACE,  
NEW DELHI**

R.N. Rai, Presiding Officer

I.D. No. 138/97

M. M. SHARMA

Versus

State Bank of India

#### AWARD

The Ministry of Labour by its letter No. L-12012/209/96/IR (B-1) Central Government dated 12-9-1997 has referred the following point for adjudication.

The point runs as hereunder :-

“Whether the action of management of State Bank of India in discharging the services of Shri M.M. Sharma ex-clerk/Typist, w.e.f. 5-10-95 is just, fair and legal? If not, what relief he is entitled to and from what date?”

The claimant has filed statement of claim. In the statement of claim, it has been stated that he was as last

transferred from Medical College Branch to Brahmपुरi (Meerut) Branch on 5-10-1987 where he was permanently posted at the time of suspension. He joined the Bank's service as Clerk/Typist on 23-2-1978 at Pilkhuwa Branch and confirmed on 23-8-1978.

It has been further stated that Branch Manager Sh. R. K. Sharma was personally biased and prejudiced towards the workman so he falsely implicated him in case of 'loss of draft book'. The Disciplinary Authority issued him a charge sheet on 27-7-1993 and he was placed under suspension on 24-8-1992. Five charges were levelled against him as per Annexure A.

#### “Charge No. 1

Despite the fact that Bank Representative could not establish the charge; due to circumstantial reasons I hold charge No. 1 as proved.”

#### “Charge No. 2

Despite the fact that bank could not prove the charge; the circumstances as recorded during the course of enquiry and the supporting document make me to conclude that the Charge No.2 stands proved.”

#### “Charge No. 3

Despite the fact that prosecution documents could not be testified by proper persons, circumstances hold me to accept these at face value. Accordingly, I hold the charge No. 3 as proved.”

#### “Charge No. 4

Bank's documents P-8 to P-11 were not properly introduced in the enquiry as Bank's witness (PW-4) refused to be examined and cross-examined. Despite this going by the opinion expressed by Bank's Handwriting Expert, I hold the charge No. 4 as proved.”

#### “Charge No. 5

Relying upon the documents/witnesses produced before me, I hold the charge No. 5 as proved.”

It has been further stated that the enquiry has not been conducted properly. The draft book was in the custody of two employees so it cannot be said that draft book was missing on account of his negligence or he stole away the draft book. During the course of enquiry, witnesses by the workman as well as the management were examined and the workman was found guilty and he was removed from service. It has been further submitted that his writing was not taken and the questioned documents were not compared with his admitted writing. Shri Ashok Kashyap made a comparison of his previous writing with the questioned writing.

It has been further submitted that reliance cannot be placed on the evidence of experts without incorporating evidence. In this connection, 1938 Sind 225, 227 and 1968

(34 Cut LT (559), A-1949 Kutch 3, (Pr 2): 50 Cri LJ 964, A 1959 Pat. 328(330): 1959 Cri LJ 893 have been cited. These citations are regarding expert evidence. It has been further stated that the employee also submitted the report of handwriting expert Mrs. Brij Bala Thakur and she has given opinion that the questioned documents and the admitted documents were not of one and the same person. It has been stated that the Enquiry Officer did not find sufficient evidence and his findings are based on conjectures. He was biased and he has acted illegally and malafidely.

The management has filed written statement. In the written statement, most of the paragraphs of the statement of claim have been denied except the fact that charge sheet was served on the workman and enquiry was held and the workman was found guilty. He had encashed one draft and he returned the rest draft book in the presence of two witnesses. He has opened account No. 72/12600 with the a partners of the Shakti Finance Company. Besides this, the claimant has another SB A/C No. 9/115 jointly with his wife Smt. Kusum Sharma. It is in the gross violation of service rules. The business of Shakti Finance Company was carried on from the residence of the claimant and his wife was partner in the business. The findings of the Enquiry Officer are based on correct appreciation of evidence and are not perverse. The claimant while being an employee of a public sector bank cannot carry on business activities. He went to the Strong Room in order to take a cheque book and he took away the draft book and he returned the same draft book in the presence of two witnesses. The claimant being an insider took advantage of the situation.

The workman has filed rejoinder. In his rejoinder, he has reiterated the statement of his claim and he has asserted that the enquiry has been conducted against the principles of natural justice and he was not given proper opportunity to himself. Evidence of defend both the parties was taken and they have been cross-examined by each other. Shri Ashok Kumar Singhal and Shri I. C. Trikha were examined from the side of the management and they have been cross-examined. The workman has also filed affidavit and he has also been cross-examined. In the present case, evidence has been given by both the parties and the fairness of the enquiry was not pressed as preliminary issue so the award is given on the merits of the evidence adduced in the court and the evidence which was taken during the course of enquiry.

Heard argument from both the sides and perused the papers on the record. It was submitted from the side of the workman that the enquiry officer has stated that neither the bank could establish the charges nor the prosecution documents could be testified by proper persons but still he has proved the charges simply stating in his findings that due to circumstantial reasons he held the charges as proved. It was submitted from the side of the management that from the evidence of the enquiry, it is quire apparent and it is established that the workman took away the draft

book and he returned the draft book after he used one page of the draft book and during enquiry, the witnesses have established this fact beyond any doubt. I have perused the evidence of the witnesses. PW/1 has stated that on 3-8-1992, the draft book was stolen and draft No. 957302 for Rs. 48,830.00 has been paid at Meerut Cantt Branch. He has also stated that next day on 4-8-1992, the accountant Shri A.K. Goel came to his seat and he called him inside the strong room and he told him that one draft book was missing and he has further stated that the workman went to the residence of Shri R.K. Sharma and he surrendered the draft book with 24 leaves. The case of the workman is that the draft book was thrown in the bank's premises but PW/1 has denied it. PW/2 and PW/3 also support the fact that draft book was handed over to Shri Sharma in their presence. These are the retired witness of the bank. It was submitted from the side of the management that PW/4, Shri A.K. Mishra is the Branch Manager of Allahabad Bank and he has confirmed that the documents marked P/7 to P/12 are in conformity with the documents placed in their records. He has also confirmed the photocopies for his record and he has stated that he participated in the enquiry proceedings to prove the documents. Shri Devender Singh is the officer, MMGS-I. He was then posted at Dadri Branch and he has stated that the account No. 72/12600 was opened in the names of Shri M.M. Sharma, Mrs. Kusum Sharma, Shri Ram Mohan Sharma, Smt. Rita Sharma and Mrs. Rajni Sharma marked as P/16 and its transaction sheet marked P/17 and he has further stated that he has verified the signatures of the account holders on P/16 and P/17. Those persons went before him. Shri M.M. Sharma, Staff Member and all those went to open the account with Shri M.M. Sharma. It is a family account. PW/6 has stated that withdrawal of 17,000/-, 10,000/-, 9,000/-, 14030 and 9,000/- PW/26, PW/28 and PW/32 were shown to him and he was asked to confirm whether they are related to SBI account No. 72/12600 of Shri M.M. Sharma and others. He confirmed that all the withdrawal forms are related to Shri M.M. Sharma and these were passed for payment by him and the payment was made to Shri M.M. Sharma and credit vouchers marked P/27 and P/33 relate to the same account and these vouchers were filled by Shri M.M. Sharma. He has also stated that the wife of Shri M.M. Sharma, Mrs. Kusum Sharma is the partner in the firm account No. 7/855 and he has further stated that in both the saving bank accounts, Mrs. Kusum Sharma is the operator PW/7 Shri R.C. Seth has been examined. He is also an officer of MGGS-II. He was also shown documents P/44-A, P/44-B, P/44-C, and P/44-D and P/44-E. He stated that Shri M.M. Sharma maintained the register and from the writing of the register, the writing of questioned documents were compared. He has further stated that in account No. 7/855, the signatures of Shri Ram Mohan Sharma and Mrs. Usha Sharma were recorded as specimen signatures in his presence. He has also stated that Shri M.M. Sharma went to him at the time of opening that account. PW/8 has stated that draft



No. 957302 for Rs. 48,830/- was issued by Tejpur Branch and it was paid for clearance in Allahabad Bank. It was found that Tej Pur branch has not issued any draft of the said amount. Besides, all the drafts were credited to SB Account No. 7821 in the name of Shri Narender Gupta, introduced by Shri R.K. Chaurasia and Shri R.K. Chaurasia has given letter to Allahabad Bank that he introduced the account of Shri Narender Kumar Gupta at the instance of Shri M.M. Sharma, his nephew posted in the SBI, Brahmampuri Meerut. As such, it is evident from the statement of these witness that the workman got the account of Narender Kumar Gupta opened and Shri R. K. Chaurasia introduced that account at the request of Shri M.M. Sharma and the stolen draft was deposited in that branch. As such, it is clear that Shri M.M. Sharma was behind the preparation of the said draft. He got account in the name of Narender Kumar Gupta opened in Allahabad Bank and Shri R.K. Chaurasia introduced the same at the request of Shri M.M. Sharma. As such, it is quite evident from the enquiry proceedings that Shri M.M. Sharma was involved in the opening of the account and getting the draft deposited in the account of his nephew.

It was further submitted that the two handwriting reports have given different opinions but from the cross-examination, it is quite explicit that the handwriting report of Mrs. Raj Bala is not based on proper criteria.

I have scrutinized the report of both the handwriting experts and the evidence of the handwriting experts and the evidence of the handwriting experts of the bank is quite correct and that of the workman is not authentic.

My attention was drawn from the side of the management to 1984 ILLJ2 and AIR 1982 SC 673 and AIR (1991) 2 SCC 716 and AIR 1977 SC 1512.

I have gone through all the citations and it has been held by the Hon'ble Apex Court that strict rules of evidence are not applicable in the enquiry proceedings, I have perused the entire evidence on the enquiry proceedings and the evidence of the witnesses examined in the court. I am of the confirmed view that Shri M.M. Sharma, EPA was involved in stealing away one draft book and one draft was presented in the Allahabad Bank in the account of Narender Kumar Gupta so these facts establish fully that Shri M.M. Sharma was guilty of stealing away one draft book and getting one leaf of that draft book deposited in the account of Narender Kumar Gupta and the said account was introduced by Shri R.K. Chaurasia at the request of Shri M.M. Sharma. As such, all the charges against Shri M.M. Sharma are found proved. The enquiry officer has also found the charges proved but observations are not correct. There is direct evidence that Shri M.M. Sharma has stolen away the draft book and out of the draft book, he has presented one draft to the account of Shri Narender Kumar Sharma. As such, all the charges levelled against him are proved. The enquiry is not liable to be set aside.

The law cited by the workman is not applicable in the facts and circumstances of the present case and the law cited by the management is fully applicable in the facts and circumstances of the present case.

The reference is replied thus :—

The action of the management of the State Bank of India in discharging the services of Shri M.M. Sharma ex-clerk/Typist, w.e.f. 5-10-95 is just, fair and legal. The workman is not entitled to any relief as prayed for.

The award is given accordingly.

Dt. 18-8-2004

R. N. RAI, Presiding Officer

नई दिल्ली, 10 सितम्बर, 2004

का.आ. 2491.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोर्दन रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-कम-लेबर कोर्ट-II नई दिल्ली के पंचाट (संदर्भ संख्या आई. डी. नं० 90/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2004 को प्राप्त हुआ था।

[सं० एल-41012/5/93-आईआर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 10th September, 2004

S.O. 2491.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I. D. No. 90/94) of the Central Government Industrial Tribunal/Labour Court, II New Delhi now as shown in the Annexure in the Industrial-cum-Dispute between the employers in relation to the management of Northern Railway and their workman, which was received by the Central Government on 9-9-2004.

[No. L-41012/5/93-IR (B-I)]

AJAY KUMAR, Desk Officer

#### ANNEXURE

**BEFORE THE PRESIDING OFFICER: CENTRAL  
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT-II, RAJENDRA BHAWAN,  
GROUND FLOOR, RAJENDRA PLACE  
NEW DELHI**

**Presiding Officer: R. N. RAI, I.D. No. 90/94**

**IN THE MATTER OF :—**

**Sh. Amar Singh**

**VERSUS**

**Northern Railway**

#### AWARD

In the Ministry of Labour by its letter No. L-41012/5/93/IR (DU) Central Government Dt. 29-07-1994 has referred the following point for adjudication.

The Point runs as hereunder :—

“Whether the action of the management of Northern Railway in terminating the services of Sh. Amar Singh S/o Sh. Balwant Singh, wash boy, w.e.f. 3-10-90 is legal and justified? If not, to what relief the workman is entitled to”.

The claimant has filed statement of claim. In the statement of claim, it has been stated that the applicant was appointed as “Wash Boy” on 12-5-90 in the canteen Khanalampura yard Northern Railway Saharanpur by the opposite party vide letter No. 974-E/II/Canteen/Welfare/UMB dated 24-4-90 after due medical examination and fulfilling all other requisite conditions of the employment.

That the opposite party issued a letter of appointment but it was not handed over to the applicant but filed in his service record with chief yard master Khanalampura yard Northern Railway Saharanpur. That applicant is a Scheduled Caste and very poor person. The unions rivalry in Northern Railway could not tolerate the appointment of the applicant in the railway canteen being prejudicial to the Scheduled Caste. In the beginning the Uttariya Railway Mazdoor Union tried to harass the applicant but when they could not succeed in their mission, directly complained to the opposite party that the appointment of the applicant was against the rules and his services should be terminated. The opposite party who himself appointed the applicant after due verification bowed before the union pressure and directed the chief yard Master to terminate the services of the applicant but no intimation was given to the applicant.

That consequently the chief yard master Khanalampura yard Northern Railway terminated the services of the applicant vide his letter dated 3-10-90 without disclosing any reason illegally but at the same time appointed one Sh. Chander Bhan favoured person of the rival union who is not a right person.

That the services of the applicant have been terminated by a different authority other than the appointing authority without any enquiry, affording any opportunity to the applicant. Thus the termination of the applicant has been done against the law as defined in rule 149 Indian Railway establishment code volume I, article 311 (2) of the constitution of India and section 25 F of the Industrial Dispute Act 1947 which is also unfair labour practice and articles on Schedule Caste as defined in respective Acts and against natural justice.

That against the illegal termination of service several representation were made on 10-10-90, 14-11-90, 6-2-91 besides number of personal requests but the applicant was not heard. That on 30-7-92 applicant moved an application before the conciliation officer/Asstt. Labour Commissioner (Central) Dehradun for the conciliation proceedings but due to negative and irresponsible attitude of the opposite party it was a failure and the conciliation officer vide his letter No. D-8 (40)/92-ALC dated 8-1-93/11-1-93 had to

recommend applicants case to the Govt. of India, Ministry of Labour, New Delhi for its reference to the Hon'ble Tribunal.

That at the time of termination the applicant was drawing Rs. 1350 to 1400/- at Rs. 750/- scale per month. Since the termination is illegal the applicant is liable to get full backwages. Therefore in view of the above facts applicant prays :—

He should be reinstituted with full back wages and arrears of wages and cost.

He should be awarded any other relief as the Hon'ble Tribunal deems fit and necessary.

That the applicant has sent copy of this statement, copies of documents relied upon and list of witnesses filed separately with this application to the opposite party vide RL No. 1798 dt. 10-3-94.

The management/respondent has filed WS. In the WS it has been stated that the contents of para No. 1 of the statement of claim are absolutely wrong and are therefore denied. The applicant was never appointed as wash boy by the opposite party, as such no appointment letter was issued to the applicant by any department of the Northern Railway. However, the applicant was working in the canteen which is not under the control of Railway, but it is independently run by the employees of the railway.

That the contents of para No. 2 of the statement of claim are correct to the extent that no appointment letter was issued to the applicant by the opposite party. It is denied that the applicant was working under the opposite party.

That the contents of para No. 3 of the statement of claim are incorrect and are therefore denied. In fact the applicant was taken as casual labour on the basis of 13 days experience certificate and the recommendation of the management body of elected railway employees for his appointment in railway canteen which was being run by Railway employees. When it was revealed and objected by the railway unions that the appointment was irregular and contrary to the rules and regulations of the appointment the services of the applicant was terminated vide DPO/UMB letter No. 974 P/VI/Canteen Welfare UMB dated 1-10-90. The objections against the applicant's appointment was as under :—

That the applicant had produced a certificate of his working as casual labour under IOW/SRE from 11-11-78 to 23-11-78 = 13 days and his date of birth as per the certificate was 2-10-62, so he was only 16 years of age when got employed as casual labour from 11-11-78 to 23-11-78 being under age this certificate was not worth consideration.

That while appointing to the applicant more experienced candidates with 200 to 300 working days certificates belonging to Schedule Caste and general

category were not considered. That no proper notice was displayed anywhere either at the canteen or at some other office. So in the light of above facts DPO/UMB took the decision to terminate the services of the applicant vide DPO/UMB letter No. 974//VI/Cateen welfare UMB dated 1-10-90.

That the contents of para No. 4 of the statement of claim are incorrect and are therefore denied. Since the applicant was taken on the basis of invalid certificate and more experienced candidates were available the service of the applicant was rightly terminated and it is incorrect to state that in his place Sh. Chander Bhan was appointed. In fact Sh. Chander Bhan was appointed in 1989 i.e. prior to the appointment of Sh. Amar Singh who belonged to Scheduled Caste and had a record of 363 days as casual labour to his credit.

That the contents of para No. 5 of the statement of claim absolutely are wrong and are therefore denied. The necessary enquiry was conducted by DPO/UMB and verification of facts was done at his own level. That the contents of para No. 6 of the statement of claim are absolutely wrong and are denied. No representation of the applicant was received in CYM office Khanalampura Yard.

That the contents of para No. 7 of the statement of claim, are matter of record. That the contents of para No. 8 of the statement of claim are incorrect and are therefore denied. Prior to 1992, the canteen employees were not treated at par with the Railway employees.

That the contents of para No. 9 of the statement of claim are incorrect and are therefore denied. The termination of service of the applicant is correct, as such he has no right to reinstatement with back wages.

That the contents of para No. 10 of the statement of claim are incorrect and are therefore denied. The opposite party has never sent copy of the claim, copies of documents and list of witnesses.

In the written statement appointment of the claimant had been admitted and most of the paragraphs have been denied and additional pleas have also been taken. The workman has filed rejoinder. In his rejoinder he has reiterated the averments of his statement of claim and he has stated that his service should be terminated after holding an enquiry.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman that the applicant was appointed vide the Divisional Office, Ambala Cantt. on 24-04-1990. It has been written in the appointment letter that the record of Sh. Amar Singh was got checked by MLWLI-SRE and he has certified the same. Thereafter his medical examination was conducted and the doctor found him fit so he was appointed.

It was submitted by the management that the union disputed appointment and it was stated by the union that persons with more greater period of earlier experience are available and they should be selected. It was further submitted by the management that notice was not displayed and proper advertisement was not given and the canteen is not an industry. The management ought to have appointed the workman applicant after advertising the post properly. It is the duty of the management. The workman applicant has nothing to do with that. It was further submitted by the management that his previous experience was of the time when he was not major. He was major when appointment letter was given to him. It was the bounden duty of the management to verify the entire records and thereafter issue appointment letter to the workman applicant. In case there was no proper advertisement an enquiry should have been conducted but in this case the services of the workman has been terminated without any enquiry and at the instance of the union and as such it is not justified. My attention were drawn to 1997 ILW/831 it has been held by the Hon'ble Supreme Court that enquiry should be held before termination of services and no explanation should be called for the proposed action but in this case an explanation has been called for and no enquiry has been made. In case some defects were found subsequently it was the duty of the management to hold an enquiry and thereafter terminate the services of the workman applicant. They can hold enquiry at any time but without enquiry the services of the workman who has been given appointment letter after proper verification cannot be terminated. The management once found him suitable for appointment and after 4 or 5 months his services have been terminated without holding enquiry. As such the law laid down by the Hon'ble Supreme Court has been violated by the management. The appointment letter has been issued by the Personal Officer, Ambala Cantt. As such it comes under the ID Act, 1947 and this tribunal has got jurisdiction to decide this case. The services of the workman have been terminated without assigning any reason and without holding an enquiry. So he deserves to be reinstated.

The workman is a Wash Boy. He is manual labourer. He must be doing some manual work as such 20% back wages are sufficient in the facts and circumstances of this case.

The reference is replied thus :—

The action of the management of Northern Railway in terminating the services of Sh. Amar Singh S/o Sh. Balwant Singh, wash boy w.e.f. 3-10-90 is neither legal nor justified. The workman deserves to be reinstated with 20% back wages w.e.f. 3-10-90 within one month after publication of the award.

The award is given accordingly.

Dt. 04-08-2004

R.N. RAI, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2004

का.आ. 2492.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय औद्योगिक अधिकरण जयपुर (राजस्थान) के पंचाट (संदर्भ संख्या आई. डी. नं० 66/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-09-2004 को प्राप्त हुआ था।

[सं० एल-41012/213/94-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 13th September, 2004

S.O. 2492.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 66/95) of the Central Industrial Tribunal, Jaipur (Raj.) now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on 13-9-2004.

[No. L-41012/213/94-IR (B-1)]

AJAY KUMAR, Desk Officer

## अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर, राजस्थान  
केस नं० सी. आई.टी. 66/95

श्री लाल चन्द पुत्र श्री बलचंद, भूतपूर्व स्विचमैन, मदार रेलवे स्टेशन, अजमेर डिवीजन निवासी मकान नं० 2, राजकीय हायर सैकण्ड्री स्कूल के पास, तोपदड़ा, अजमेर

—प्रार्थी

## बनाम

1. भारतीय संघ जरिये महाप्रबन्धक, पश्चिम रेलवे, चर्च गेट बम्बई।
2. मण्डल रेलवे प्रबन्धक, अजमेर डिवीजन, पश्चिम रेलवे, अजमेर।
3. मण्डल सेफटी ऑफिसर, अजमेर डिवीजन, पश्चिम रेलवे, अजमेर।

—अप्रार्थीगण

## उपस्थित

पीठासीन अधिकारी : श्री पी.एल. हिस्सारिया, आर.एच.जे.एस.

प्रार्थी की ओर से : श्री पी.डी. खन्ना

अप्रार्थी की ओर से : श्री तेज प्रकाश शर्मा

दिनांक अवार्ड : 1-6-2004

## अवार्ड

1. केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश क्रमांक एल. 41012/213/94/आई. आर. (बी. 3) दिनांक 31-10-95 के जरिये निम्न विवाद इस न्यायाधिकरण को वास्ते अधिनिर्णय प्रेषित किया है :

“Whether the action of the management of Western Railway, Ajmer through DSC, W. Rly. Ajmer in terminating the services of Shri Lal Chand, Ex-Switchman from 1-7-89 is legal and justified? If not, what relief concerned workman is entitled to?”

2. रैफरेंस का नोटिस पक्षकारों को दिया गया। प्रार्थी ने अधिकरण के समक्ष उपस्थित होकर अपना क्लेम पेश किया जिसके अनुसार प्रार्थी 19-12-88 को मदार रेलवे स्टेशन, अजमेर डिवीजन में स्विचमैन के पद पर चतुर्थ श्रेणी (गुप-डी) में कार्यरत था। उस दिन एक यात्री गाड़ी सं० 194 डाऊन उक्त स्टेशन पर पटरी से उतर गई, उस पर प्रार्थी जो स्विचमैन था, के साथ सर्वश्री कुदरत उल्ला, सहायक स्टेशन मास्टर मदार, कुंजी लाल पोइन्ट्स मैन मदार, शंकरलाल झाँवर के विरुद्ध जांच को जाकर चारों व्यक्तियों की लापरवाही मानते हुए उनके विरुद्ध अनुशासनिक कार्यवाही करने हेतु आरोप पत्र दिये गये। चारों व्यक्तियों को एक ही आरोप पत्र दिया जाना चाहिये था परन्तु सबको अलग-अलग आरोप पत्र दिये गये और सबकी जांच कार्यवाही अलग-अलग की गई। बाकी तीन कर्मचारियों को जांच में लापरवाही का दोषी पाया गया परन्तु उनके अनुशासनिक अधिकारी अथवा अपील अधिकारी ने उनको दोष-मुक्त कर दिया और शेष तीनों आज भी सेवारत हैं। एकमात्र प्रार्थी को ही उसके कार्य में लापरवाही का दोषी पाये जाने पर जांच अधिकारी की रिपोर्ट पर 11-7-89 को अनुशासनिक अधिकारी ने प्रार्थी की सेवाएं समाप्त कर दीं। इस आदेश के विरुद्ध प्रार्थी द्वारा अपील प्रस्तुत की गई लेकिन नियम विरुद्ध जाकर उस अपील को भी अपील अधिकारी ने आदेश दिनांक 23-11-89 के द्वारा निरस्त कर दिया। प्रार्थी द्वारा की गई निगरानी भी आदेश दिनांक 25-6-90 द्वारा खारिज कर दी तत्पश्चात् महाप्रबन्धक पश्चिम रेलवे, बॉम्बे को निगरानी की जो निगरानी भी आदेश दिनांक 7-1-91 व 22-1-91 द्वारा खारिज कर दी। उक्त सभी आदेश नियमों के अनुसार नहीं हैं इसलिए प्रार्थी की सेवा समाप्ति का आदेश दिनांक 11-7-89 व अपील व निगरानी के आदेश अपास्त किये जाकर प्रार्थी को सेवा में पुनर्स्थापित किया जाये व उसे पिछला समस्त बकाया वेतन व अन्य लाभ मय ब्याज दिलवाये जाने का अवार्ड पारित किया जावे।

3. प्रार्थी ने अपने क्लेम में सेवा पृथक्करण आदेश को अपास्त कराये जाने के ये आधार लिये हैं कि चार अधिकारियों की लापरवाही मानी गई, शेष तीन आज भी सेवारत हैं, एक मात्र प्रार्थी को ही सेवा-मुक्त किया गया है जो अप्रार्थी का आदेश भेदभावपूर्ण है और भारतीय संविधान के अनुच्छेद 14 व 16 का उल्लंघन किया गया है। चारों व्यक्तियों के विरुद्ध एक ही अनुशासनिक कार्यवाही की जानी चाहिये थी ताकि एक जैसे आदेश पारित हो सकते। परन्तु चारों के विरुद्ध नियम विरुद्ध तरीके से चार अलग-अलग आरोप पत्र दिये जाकर अलग-अलग जांच करवाई गई जिससे प्रार्थी का हक प्रभावित हुआ। प्रार्थी को अन्य कर्मचारियों

की अनुशासनिक कार्यवाही में आई साक्ष्य व दस्तावेजों की प्रतियां नहीं दी गईं तथा जांच नियमानुसार नहीं की गई। प्रार्थी को बचाव का समुचित अवसर नहीं दिया गया जिससे प्राकृतिक न्याय के सिद्धांतों का हनन हुआ है। प्रार्थी सहित चारों व्यक्तियों के विरुद्ध पुलिस थाने में रिपोर्ट दर्ज कराई गई। जिसपर अनुसंधान के पश्चात् अपर मुख्य न्यायिक मजिस्ट्रेट रेलवे, अजमेर के यहां चालान पेश हुआ और उस चालान को कार्यवाही के लंबन के दौरान उसे सेवा मुक्त किया जाना अवैध व अनुचित है। इसलिए प्रार्थी के सेवा मुक्ति आदेश एवं अपील व निगरानी में खारिज किये जाने के आदेशों को अपास्त किया जाकर उसे सेवा में पुनर्स्थापित किये जाने का आदेश पारित किया जावे व उसे समस्त बकाया वेतन व अन्य लाभमय ब्याज के दिलाये जाने का अवार्ड पारित किया जावे।

4. अप्रार्थीगण ने उक्त क्लेम का जवाब पेश किया है जिसमें यह बताया गया है कि प्रार्थी स्वचयन के पद पर है लेकिन उसका ग्रुप बी श्रेणी का नहीं होकर "सी" श्रेणी का है। 19-12-88 को प्रार्थी मदार रेलवे स्टेशन के बी केबिन पर 18.00 बजे से 6.00 बजे की शिफ्ट में ड्यूटी पर था, तब यात्री रेलगाड़ी सं. 194 डाऊन प्रार्थी की लापरवाही से कार्य करने के कारण पटरी से उतर गई और संयुक्त जांच कमेटी द्वारा जांच की गई जिस पर प्रार्थी को दिनांक 8-2-89 को आरोप पत्र दिया गया और नियमों के अनुसार जांच की गई। चारों कर्मचारी जिनको लापरवाही का दोषी पाया गया था, के हित एक दूसरे के विरुद्ध निहित थे जो एक दूसरे के विपरीत साक्ष्य देते तथा चारों के अनुशासनिक अधिकारी अलग-अलग थे, इसलिए चारों की जांच एक साथ नहीं की जा सकती थी और चारों को अलग-अलग आरोप पत्र दिया गया और अलग-अलग जांच की गई। जांच में प्राकृतिक न्याय के सिद्धान्त का पूर्ण ध्यान रखा गया जिसका कहीं कोई उल्लंघन नहीं हुआ, प्रार्थी को बचाव का पूरा अवसर दिया गया और जांच अधिकारी के रिकार्ड आने पर नियमानुसार सुनवाई की जाकर प्रार्थी को 11-7-89 को सेवा से पृथक किया गया है जो दण्डादेश पूर्णतया उचित तथा नियमों में प्रावधान के अनुसार दिया गया है। उसकी अपील व निगरानी भी नियमानुसार खारिज की गई है। उसे दस्तावेजों की प्रतियां दी गईं, बचाव का पूरा अवसर दिया गया व जांच कार्यवाही में कहीं कोई नियम का उल्लंघन नहीं किया गया, प्रार्थी कोई अनुतोष प्राप्त करने का अधिकारी नहीं है इसलिए उसके क्लेम को खारिज किया जावे।

5. जवाब में यह भी वर्णित किया गया है कि अन्य तीनों व्यक्तियों को उनके अनुशासनिक अधिकारी ने दोषी माना है परन्तु अपील अधिकारी द्वारा या निगरानी में वे दोष मुक्त किये गये हैं जिसका प्रार्थी की जांच से कोई असर नहीं है तथा धारा 14 व 16 भारतीय संविधान को कोई उल्लंघन नहीं हुआ है।

6. प्रार्थी ने अपने क्लेम की पुष्टि में अपना शपथ पत्र पेश किया है तथा बाद में उसने अपर मुख्य न्यायिक मजिस्ट्रेट रेलवे, अजमेर द्वारा फौजदारी प्रकरण सं. 124/89 उन्हीं तथ्यों पर किये गये चालान में उसके अन्य साथी अभियुक्तगण को चारों को दोषमुक्त किये जाने का निर्णय दिनांक 30-11-2000 पेश कर प्रार्थी के क्लेम को स्वीकार किये जाने की प्रार्थना की। जिसका जवाब अप्रार्थी की ओर से यह दिया गया है कि पुलिस कार्यवाही में किया गया चालान अलग है, उसकी दोषमुक्ति

इस रैफरेंस के बाद हुई है, इसलिए उस दोषमुक्ति को इस रैफरेंस पर कोई असर नहीं पड़ता। प्रार्थी यदि इस दोषमुक्ति के आधार पर कार्यवाही अपास्त करना चाहता है तो उसे केन्द्रीय प्रशासनिक अधिकरण के समक्ष अपील प्रस्तुत करनी चाहिये।

7. मैंने इस रैफरेंस में दोनों पक्षों के विद्वान प्रतिनिधिगण की गुणावगुण पर बहस सुनी, पत्रावली का अवलोकन किया। चूंकि यह मामला प्रार्थी की सेवा मुक्ति के संबंध में है इसलिए औद्योगिक विवाद अधिनियम, 1947 (जिसे बाद में अधिनियम संबोधित किया है) की धारा 11ए के अन्तर्गत जांच की जानी है जिसका भी भली-भांति अवलोकन किया। जांच कार्यवाही का व अभिलेख उपलब्ध साक्ष्य व दस्तावेजात का भली-भांति अवलोकन किया।

8. जहां तक अन्य तीनों जांच के दस्तावेजात प्रार्थी को दिये जाने या नहीं दिये जाने का संबंध है, चूंकि चारों जांच अलग-अलग की गई हैं इसलिए एक दूसरे से संबंधित जांच के दस्तावेजों की प्रतियां नहीं दिये जाने से प्रार्थी को जांच से कोई अन्तर नहीं पड़ता क्योंकि प्रार्थी पर जो लापरवाही का आरोप लगाया गया है और जो साक्ष्य ली गई है उस संबंध में उसको समस्त दस्तावेजात की नकलें दी गई हैं। परन्तु अन्य तीन व्यक्तियों को उनके अनुशासनिक अधिकारी द्वारा दोषी पाये जाने पर भी अपील अधिकारी या निगरानी द्वारा दोषमुक्त कर दिया गया है और वे तीनों सेवारत हैं, यह तथ्य अप्रार्थी के जवाब से स्वीकार्य है, ऐसे में जब लापरवाही का एक ही आरोप चारों व्यक्तियों के विरुद्ध हो, जिसमें से तीन व्यक्ति सेवारत रहें और मात्र एक व्यक्ति को सेवा से पृथक किया जाये, यह निश्चित तौर पर विभेदकारी आदेश है और निश्चित तौर पर संविधान के अनुच्छेद 14 एवं 16 का उल्लंघन है। इसी आरोप की बाबत प्रार्थी सहित चारों व्यक्तियों को अपर मुख्य न्यायिक मजिस्ट्रेट रेलवे द्वारा अपने आदेश दिनांक 30-11-2000 के द्वारा दोषमुक्त कर दिया गया है जिस मामले में भी चारों के विरुद्ध यही साक्ष्य भी, ऐसे में फौजदारी न्यायालय के दोषमुक्ति के निर्णय होने पर प्रार्थी के सेवा मुक्ति का आदेश जो विभागीय साक्ष्य के पश्चात् दिया गया है चाहे वह उस दोषमुक्ति के निर्णय से पूर्व ही किया गया हो, उसे उचित नहीं ठहराया जा सकता और प्रार्थी निश्चित तौर पर सेवा में पुनर्स्थापित किये जाने योग्य है। इस संबंध में ए.पी. नाइडू बनाम जनरल मैनेजर एस.सी. रेलवे 1982 लैब. आई. सी. 1920 (आन्ध्र प्रदेश), कैप्टन एम. पॉल एनथनी बनाम भारत गोल्ड माईन्स लि. ए. आई. आर. 1999 (एस. सी.) 1416 तथा यूनियन ऑफ इण्डिया बनाम जयपालसिंह, 2004 एस. सी.-एस. एल. आर. 224 (एस. सी.) के प्रोद्घरणों में प्रतिपादित सिद्धान्त से मेरे उक्त निष्कर्ष को बल मिलता है।

9. अप्रार्थी के विद्वान प्रतिनिधि का यह तर्क मानने योग्य नहीं है कि फौजदारी न्यायालय में दोषमुक्ति के निर्णय से पूर्व रैफरेंस हो चुका था इसलिए प्रार्थी अपने सेवा मुक्ति आदेश की धारा 19 के अन्तर्गत केन्द्रीय प्रशासनिक अधिकरण में अपील कर चुनौती दे सकता है। इस संबंध में न तो कोई नियम न ही कोई प्रावधान की प्रति पेश की है, मात्र मौखिक तर्क दिया है जो माननीय सर्वोच्च न्यायालय द्वारा उपरोक्त प्रोद्घरणों में प्रतिपादित उक्त सिद्धान्त के प्रतिकूल होने से मानने योग्य नहीं है। मेरे विनम्र मत में प्रार्थी का क्लेम स्वीकार किये जाने योग्य है।

10. उपरोक्त विवेचन के आधार पर प्रकरण में निम्न अवाई पारित किया जाता है :

“पश्चिम रेलवे अजमेर के प्रबन्धतंत्र द्वारा श्री लालचंद, पूर्व-स्विचमैन की सेवाएं दिनांक 11-7-89 से समाप्त किया जाना उचित एवं वैध नहीं है, अतः उक्त आदेश अपास्त किया जाता है। साथ ही प्रार्थी के विरुद्ध पारित अपील एवं निगरानी के आदेश भी इस कारण अपास्त किये जाते हैं। प्रार्थी उक्त दिनांक से सेवा में पुनः बहाल किये जाने का व तदनुसार समस्त पिछला वेतन, वेतन वृद्धियां, वेतन स्थरीकरण एवं सेवा की निरन्तरता आदि समस्त लाभ प्राप्त करने का अधिकारी है।

2. चूंकि प्रार्थी दिनांक 28-2-98 को अधिवार्षिकी की आयु प्राप्त कर चुका है, अतः उसे सेवा में पुनर्स्थापित तो नहीं किया जा सकता किन्तु उसे सेवा में मानते हुए सेवा मुक्ति से सेवा निवृत्ति की तिथि का समस्त वेतन व लाभ तथा पेंशन एवं ग्रेच्युटी आदि के समस्त लाभ प्रार्थी प्राप्त करने का अधिकारी है।”

11. अवाई आज दिनांक 1-6-2004 को खुले न्यायालय में लिखाया जाकर सुनाया गया जो केन्द्र सरकार को प्रकाशनार्थ भेजा जावे।

पी. एल. हिस्सारिया, पीठासीन अधिकारी

नई दिल्ली, 20 सितम्बर, 2004

का.आ. 2493.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अक्टूबर, 2004 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा 76 की उप धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध महाराष्ट्र राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला औरंगाबाद, तहसील पैठन के राजस्व ग्राम - चितेगाँव में आने वाले क्षेत्र”

[सं. एस-38013/70/2004-एसएस-I]

के. सी. जैन, निदेशक

New Delhi, the 20th September, 2004

S.O. 2493.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st October, 2004 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79, and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Maharashtra namely:—

“Areas comprising the Revenue Village of Chitagaon in Tehsil Paithan of District Aurangabad.”

[No. S-38013/70/2004-SS-I]

K. C. JAIN, Director

नई दिल्ली, 20 सितम्बर, 2004

का.आ. 2494.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अक्टूबर, 2004 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा 76 की उप धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध महाराष्ट्र राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला एवं तालुका नान्देड़ में एम.आई.डी.सी. इन्डस्ट्रियल स्टेट की सीमा के अन्तर्गत आने वाले क्षेत्र तथा राजस्व ग्राम-धानेगाँव, मौजा गोपाल चावडी, तुप्पन, रहीमपुर बलिरामपुर एवं वाघला के अन्तर्गत आने वाले क्षेत्र।”

[सं. एस-38013/69/2004-एस.एस.-1]

के. सी. जैन, निदेशक

New Delhi, the 20th September, 2004

S.O. 2494.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st October, 2004 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Maharashtra namely:—

“Areas falling within the limits of MIDC Industrial Estate, Dhanegaon Mauja Gopal Chawdi, Tuppa, Rahimpur, Balirampur and Waghla in Taluka and District Nanded.”

[No. S-38013/69/2004-SS-I]

K. C. JAIN, Director

शुद्धि-पत्र

नई दिल्ली, 21 सितम्बर, 2004

का.आ. 2495.—भारत के राजपत्र, भाग -II, खण्ड -3, उप-खण्ड (ii) दिनांक 27 नवम्बर, 1999 के पृष्ठ संख्या 7617-7618 पर प्रकाशित अधिसूचना संख्या एस-38013/31/99-एस.एस.-I (का.आ. 3473) दिनांक 10-11-1999 में, राजस्व ग्राम, “बिर तियान” के स्थान पर “बिर तियान” पढ़ा जाये।

[सं. एस-38013/31/99-एस एस-1]

के. सी. जैन, निदेशक



**CORRIGENDUM**

New Delhi, the 21st September, 2004

**S.O. 2495.**—In the notification No. S-38013/31/99-SS-1 dated 10-11-1999 of the Government of India in the Ministry of Labour S.O. 3473, published at page 7617 and 7618 in the Gazette of India Part- II, Section 3, Sub-section (ii) dated 27-11-99 for the Revenue Village “Vimipan” read “Birtiyan”.

[No. S-38013/31/99-SS-I]

K. C. JAIN, Director

नई दिल्ली, 21 सितम्बर, 2004

**का.आ. 2496.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अक्टूबर, 2004 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध महाराष्ट्र राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला एवं तालुका अकोला में एम.आई.डी.सी. के अकोला औद्योगिक क्षेत्र तथा मौजा मल्कापुर एवं मौजा शिवर के अर्न्तगत आने वाले क्षेत्र।”

[सं. एस-38013/68/2004-एस एस-I]

के. सी. जैन, निदेशक

New Delhi, the 21st September, 2004

**S.O. 2496.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st October, 2004 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (i) of Section 76 and Sections 77, 78, 79, and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Maharashtra namely :—

“Areas falling within the limits of Akola Industrial Area of MIDC and Mauja Malkapur and Majua Shivar in Taluka and District Akola.”

[No. S-38013/68/2004-SS-I]

K. C. JAIN, Director

नई दिल्ली, 27 सितम्बर, 2004

**का.आ. 2497.**—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (द) के उप-खण्ड (vi) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना

संख्या का.आ. 991 दिनांक 11-3-2004 द्वारा बैंकिंग उद्योग जोकि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 2 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 30-3-2004 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (द) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 30-9-2004 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/5/97-आईआर (पीएल)]

जे. पी. पति, संयुक्त सचिव

New Delhi, the 27th September, 2004

**S.O. 2497.**—Whereas the Central Government having been satisfied that the public interest so required that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947) declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 991 dated 11-3-2004 the service in Banking Industry which is covered by item 2 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 30th March, 2004.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 30th September, 2004.

[F. No. S-11017/5/97-IR.(PL)]

J. P. PATI, Jt. Secy.

नई दिल्ली, 28 सितम्बर, 2004

**का.आ. 2498.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अक्टूबर, 2004 को इस

तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 [ धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है ] के उपबन्ध महाराष्ट्र राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला औरंगाबाद के तालुका गंगपुर में राजस्व ग्राम-गंगपुर, तिसगांव, नैगांव राजगांव/शेनपूजी, पुन्धरपुर, वालडगांव एवं वितवा के अन्तर्गत आने वाले क्षेत्र।”

[सं. एस-38013/72/2004-एसएस-I]

के. सी. जैन, निदेशक

New Delhi, the 28th September, 2004

**S.O. 2498.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st October, 2004 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Maharashtra namely:—

“Areas comprising the Revenue Village of Gangapur, Tisgaon, Naigaon, Rajangaon/Shenpunji, Pundharpur, Waladgaon and Vitva in Gangapur Taluka of Aurangabad District.”

[No. S-38013/72/2004-SS-I]

K. C. JAIN, Director

नई दिल्ली, 28 सितम्बर, 2004

**का.आ. 2499.**—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 अक्टूबर, 2004 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 [ धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है ] के उपबन्ध महाराष्ट्र राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

“जिला एवं तालुका नागपुर में राजस्व ग्राम-बुटिबोरी, रैगापुर एवं रूईखैरी के अन्तर्गत आने वाले क्षेत्र।”

[सं. एस-38013/71/2004-एसएस-I]

के.सी. जैन, निदेशक

New Delhi, the 28th September, 2004

**S.O. 2499.**—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State

Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st October, 2004 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Maharashtra namely:—

“Areas comprising the Revenue Villages of Butibori, Raigapur and Rooikhairi in Taluka and District Nagpur.”

[No. S-38013/71/2004-SS-I]

K. C. JAIN, Director

नई दिल्ली, 28 सितम्बर, 2004

**का.आ. 2500.**—खान नियमावली, 1955 के नियम 29T के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत सरकार, श्रम और रोजगार मंत्रालय, दिनांक 24-6-1987 की अधिसूचना संख्या का. आ. 628 (अ) में निम्नलिखित संशोधन करती है, नामतः—

उक्त अधिसूचना में क्र.सं. (ii) और (iii) और उनसे संबंधित प्रविष्टियों में, निम्नलिखित क्रम संख्याएं और प्रविष्टियां प्रतिस्थापित की जाएं अर्थात् :—

- |   |  |
|---|--|
| (ii) डा. सी.एस. गुप्ता  | सदस्य                                  |
| उप मुख्य चिकित्सा अधिकारी (विकिरण विज्ञान)  | [नियम 29T के खण्ड (ख) के अधीन नियुक्त] |
| क्षेत्रीय अस्पताल पत्थरेखेडा, वेस्टर्न कोलफील्ड्स लि., पत्थरेखेडा जिला, बैतूल, मध्य प्रदेश। |  |
| (iii) डा. ए. के. चक्रवर्ती  | सदस्य                                  |
| चिकित्सा अधीक्षक कोयला भवन, भारत कुकिंग कोल लि., कोयला नगर, धनबाद-826005 झारखण्ड।           | [नियम 29T के खण्ड (ग) के अधीन नियुक्त] |

[सं. एस-65025/1/03-आईएसएच-II]

सी. ए. भास्करन, निदेशक

**टिप्पण :**—प्रधान अधिसूचना भारत के राजपत्र, असाधारण, भाग-II, खण्ड 3, उपखण्ड (ii) में दिनांक 24-6-1987 संख्या का.आ. 628 (अ) पृष्ठ 1-3 में प्रकाशित की गई थी।



New Delhi, the 28th September, 2004

**S.O. 2500.**—In pursuance of the Rule 29K of the Mines Rules, 1955, the Central Government hereby makes the following amendments in the notification of the Government of India, Ministry of Labour, No. S.O. 628 (E) dated 24th June, 1987, namely :—

In the said notification for serial number (ii) and (iii) and entries relating thereto, the following serial numbers and the entries shall be substituted namely :—

- |  |  |
|--|--|
| (ii) Dr. C. S. Gupta,<br>Dy. Chief Medical Officer<br>(Radiology), | Member<br>[Appointed under<br>clause (b) of Rule<br>29K] |
|--|--|

Regional Hospital Patherkhera,  
Western Coalfields Ltd.,  
Patherkhera, District, Baitul,  
Madhya Pradesh

- (iii) Dr. A. K. Chakraverty,  
Medical Superintendent  
Koyla Bhawan,  
Bharat Coking Coal Ltd.,  
Koyla Nagar,  
Dhanbad-826 005 Jharkhand

Member  
[Appointed under  
clause (c) of Rule  
29K]

[No. S-65025/1/03-ISH-II]

C. A. BHASKARAN, Director

**Footnote :—**Principal notification was published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (ii) vide S.O. 628(E), dated 24th June, 1987, page 1—3.